

A C T S
A N D
S T A T U T E S
Made in a
P A R L I A M E N T

Begun at *Dublin*, the Fifth Day of *October*, Anno Dom.
1692. In the Fourth Year of the Reign of Our Most Gracious
Sovereign LORD and LADY

King William and *Queen Mary*.

Before His Excellency *HENRY* Lord Viscount *SYDNEY*,
Lord Lieutenant General and General Governor of *IRELAND*.

A N D

Continued under His Excellency *HENRY* Lord *CAPELL*,
Lord Deputy General and General Governor of His Majesty's Kingdom of
Ireland: by several Prorogations, until the Twenty Seventh Day of *August*,
Anno Dom. 1695.

A N D F U R T H E R

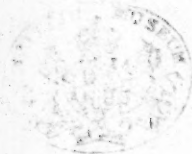
Continued by several Adjournments and Prorogations before
Their Excellencies *CHARLES* Lord Marquis of *WINCHESTER*
and *HENRY* Earl of *GALLWAY*, Lords Justices General and Ge-
neral Governors of His Majesty's Kingdom of *IRELAND*.



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C O N T E N T S
Of ACTS and STATUTES, Continued by several Adjournments and Porogations, before Their Excellencies Charles Lord Marquess of Winchester and Henry Earl of Gallway.

A C T S

ACTS and STATUTES Made in a Parliament,

Begun at *Dublin* the Fifth Day of *October*, Anno Dom. 1692. In the Fourth Year of the Reign of Our Most Gracious Sovereign Lord and Lady King *WILLIAM* and Queen *MARY*. Before His Excellency, *HENRY*, Lord Viscount *STONEY*, Lord Lieutenant General and General Governor of *IRELAND*.

C H A P. I.

An ACT of Recognition of Their Majesties Undoubted Right to the Crown of *IRELAND*.

FOR AS MUCH as this Kingdom of Ireland, is Annexed and United to the Imperial Crown of England, and by the Laws and Statutes of this Kingdom, is declared Justly and Rightfully depending upon, and belonging and for ever United to the same; and the Kings and Queens of England are by Undoubted Right, Kings and Queens of this Realm, and ought to Enjoy the Stile, Title, Majesty, Power, Preheminence, Jurisdiction, Prerogative and Authority of Kings and Queens of the same. And whereas our Sovereign Liege Lord and Lady, King *WILLIAM* and Queen *MARY*, since Their happy Accession to the Crown of England, with great Expence of Blood and Treasure, and the Extream Hazard of His Majesty's Royal Person, have Deliberated this their Kingdom, from the Piferies and Calamities of an Intestine War, and most Horrid Rebellion, Raised up amongst us by the Irish Papists, and Instigated, Abetted and Supported by the Power of the French King; thereby Securing us against the Danger of Popery and Arbitrary Power, with which we were threatned in a most Eminent manner, and Have most happily Reduced this their Kingdom, to a State of Peace and Order, and Restored to us our Laws and Liberties, and the free and Impartial Administration of Justice. We the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, in the Name of all the People of this Kingdom, do from the bottom of our Hearts with all possible thankfulness, acknowledge the goodness of Almighty God, in Raising up their Majesty's to Deliber us, and to Reign over us, of whose Goodness, Wisdom and Courage, we have already found such happy and Blessed Effects. And to the Intent and Purpose, that we may Publickly and Unanimously own, and assert our Faith and true Allegiance to their Majesties, and that the same may remain as a memorial to all Posterity, amongst the Records of Parliament in this Kingdom. We the Lords Spiritual and Temporal, and Commons in Parliament Assembled, as we are in Duty bound, do Recognize and acknowledge, That the Kingdom of Ireland, and all Titles, Stiles, Royalties, Jurisdications, Rights, Priviledges, Prerogatives, and Preheminences Royal, thereunto belonging, are most Rightfully and Lawfully Vested in their Majesties, King *WILLIAM* and Queen *MARY*, and that Their Most Excellent Majesties were, are, and of Right ought to be King and Queen of England, Ireland, Scotland, and France, and the Dominions and Territories thereunto belonging, in and to whose Princely Persons, the Royal State, Crown and Dignity of the said Realms, with all Honours, Stiles, Titles, Regallities, Prerogatives, Powers, Jurisdications and Authorities to the same belonging and Appertaining, are more fully, Rightfully and Intirely Invested, and Incorporated, United and Annexed.

And we do beseech Their Most Excellent Majesties, to accept of this our humble Recognition and Submission, as the first Fruits in this present Parliament, of our Faith and Duty to Their Majesties; and do pray that the same may be Published, Declared and Enacted in this High Court of Parliament. And the same are by Their said Majesties, by and with the Advice and Consent of the Lord Spiritual and Temporal, and Commons in Parliament Assembled, and by the Authority of the same, Declared, Enacted and Established accordingly.

C H A P. II.

An Act for Encouragement of Protestant Strangers to Settle in the Kingdom of Ireland. Revived *Georgii* Quarto in part Chap. 9th.

V Whereas in the Parliament held at Dublin the Eighth Day of May, in the Thirteenth Year of the Reign of Our late Sovereign Lord King Charles the Second, and by others Prolegations held and continued to the Seventeenth Day of April, in the Fourteenth Year of His said Majesties Reign, a certain Act of Parliament was made and passed, Entituled, An Act for Encouraging Protestant Strangers, and others, to Inhabit and Plant in the Kingdom of Ireland, which said Act as to the Naturalizing the Strangers thereby intended to be Naturalized, had continuance only for the Term of Seven Years from the End of the said Parliament.

And forasmuch as the said Act has been found to be of good advantage to this Your Majesties Kingdom. May it therefore please Your Majesties that it may be Enacted, and be it Enacted by the King and Queen's most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons in this present Parliament Assembled, and by Authority of the same, That all and every part of the said Act for Encouraging Protestant Strangers and others, to Inhabit and Plant in the Kingdom of Ireland, which is now expired, shall be and is hereby Revived, and shall continue and be in full Force and Virtue to all intents and purposes whatsoever, for and during the Term of Seven Years from the End of this present Session of Parliament and no longer.

Provided always, That no person or persons shall have the Benefit thereof, until he shall, instead of the Oaths of Supremacy and Allegiance, which were by the said Act to be taken, take the Oaths hereafter mentioned, Viz.

I A. B. Do sincerely Promise and Swear, That I will be Faithful, and bear true Allegiance to Their Majesties King *William* and Queen *Mary*.

So help me God.

I A. B. Do Swear, That I do from my Heart abhor, detest, and abjure, as Impious and Heretical, that Damnable Doctrine and Position that Princes Excommunicated or Deprived by the Pope, or any Authority of the See of *Rome*, may be Deposed and Murthered by their Subjects, or any other whatsoever. And I do Declare, That no Foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Pre-heminence or Authority, Ecclesiastical or Spiritual within this Realm.

So help me God.

And shall also Make and Subscribe the Declaration following, viz.

I A. B. Do Solemnly and Sincerely in the presence of God, Profess, Testifie and Declare, That I do believe that in the Sacrament of the Lord's Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at, or after the Consecration thereof by any Person whatsoever, and that the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of *Rome*, are Superstitious and Idolatrous. And I do Solemnly in the presence of God, Profess, Testifie and Declare, That I do make this Declaration, and every part thereof, in the plain and ordinary Sense of the Words Read unto me, as they are commonly understood by Protestants, without any Evasion, Equivocation, or Mental Reservation whatsoever, and without any Dispensation already granted me for this purpose, by the Pope, or any other Authority or Person whatsoever, or without Dispensation from any Person or Authority whatsoever, or without believing that I am, or can be acquitted before God or Man, or Absolved of this Declaration, or any part thereof, although the Pope, or any other Person or Persons, or Power whatsoever should Dispence with, or Annul the same, or Declare that it was Null and Void from the beginning.

Which said Oaths and Declaration shall be Solemnly and Publicly Made and Subscribed in the High Court of Chancery, Court of Kings Bench, or in Open Court.

Court in the Session time, before three or more Justices of the Peace in any County of this Kingdom where such person or persons shall Reside, or before any Judge, or Justice of Assize in his Circuit, who are hereby Impowered and Authorized to Administer the same, and thereupon to Certifie his or their doing thereof into the High Court of Chancery, there to remain on Record, and that the Fee only of One Shilling be taken upon Administring the said Oaths, and Subscribing the said Declaration, One Shilling for Certifying the same, and One Shilling for Recording the same in Chancery.

And be it further Enacted by the Authority aforesaid, That all Protestant Strangers and Foreigners, who at any time hereafter shall come into this Kingdom, and shall take the Oaths, and Subscribe the Declaration herein above mentioned, shall have and enjoy the free Exercise of their Religion, and have Liberty of Meeting together publickly for the Worship of God, and of hearing Divine Service, and performing other Religious Duties in their own several Languages, and also according to the several Rites used in their own Countries, any Law or Statute to the contrary notwithstanding.

CHAP. III.

An Act for an Additional Duty of Excise, upon Beer, Ale and other Liquors.

CHAP. IV.

An Act for taking Affidavits in the Country, to be made use of in the Courts of Kings-Bench, Common-Pleas and Exchequer.

FOR the greater ease and benefit of all persons whatsoever, in the taking of Affidavits to be made use of and Read in Their Majesties Courts of Kings-Bench, Common-Pleas, and Exchequer, at Dublin, as well in matters and things relating to Their Majesties, and their Revenue, as in all other Matters and Causes whatsoever depending or to be depending in all or any of the Courts aforesaid, or any ways concerning the Proceedings of, or in the same.

Be it Enacted by the King and Queen's Most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the Chief Justice, or other the Justices of the said Court of Kings-Bench, for the time being, or any two of them, whereof the Chief Justice, for the time being, to be one for the said Court of Kings-Bench, and the Chief Justice of the Common-Pleas, and the rest of the Justices there, for the time being, or any two of them, whereof the Chief Justice of the same Court to be one for the said Court of Common-Pleas, and also the Lord Treasurer, Chancellor, and Barons of the Court of Exchequer, for the time being, or any two or more of them, whereof the Lord Treasurer, Chancellor, or Lord Chief Baron, for the time being, to be one for the said Court of Exchequer, shall or may by one or more Commission or Commissions under their Hands and the several Seals of the said respective Courts, from time to time, as need shall require, Impower such, and as many Persons as they, or any two of them, as aforesaid, shall think fit and necessary, in all and every the several Counties of this Kingdom, to Take and Receive all and every such Affidavit and Affidavits, as any Person or Persons shall be willing and desirous to make before any of the Persons so Impowered, in or concerning any Cause, Matter or thing Depending, or any ways concerning any of the Proceedings, to be in any of the said Respective Courts, and that it shall and may be Lawful for any Judge of Assize in his Circuit, to take and Receive any Affidavit or Affidavits, as any person Person or Persons shall be willing or desirous to make before him, in or concerning any Cause, Matter or Thing Depending, or hereafter to be Depending, or in any wise concerning any Proceedings, to be in the said Courts of Kings-Bench, Common-Pleas or Exchequer, or any of them, and that all and every Affidavit and Affidavits taken as aforesaid, shall be of the same Force, as Affidavits taken in the said Respective Courts now are.

Provided, That for the Swearing and Taking of such Affidavit, the Person or Persons so Impowered or taking the same, for so doing shall receive only the Sum, or Fee, of One Shilling Sterling, and no more.

Provided further, That all and every Person and Persons, Swearing falsely, or Forswearing him, her or themselves in such Affidavit or Affidavits, shall incur, and be liable unto the same penalties as if such Affidavit or Affidavits

Affidavits to be taken in all the Four Courts, in all Cases, as well as in the Kings Revenue.

In the Kings-Bench two of the Justices, the Chief Justice to be one.

The Common Pleas, two of the Justices the Chief Justice to be one.

For the Exchequer, two of the Judges of the Court, the Lord Treasurer, Chancellor, or Lord Chief Baron to be one.

They may Impower others to take Affidavits in the Counties.

The Judges of Assize may take Affidavits in their Circuits.

No more to be taken than one Shilling.

Persons Forswearing themselves incur the Penalty.

na lty as if taken in open Court.

The day when and the place where to be mentioned.

Not made use of till Filed in the Court.

had been made or taken in open Court. And for the prevention and better Discovery of all Frauds and Perjury.

Be it Enacted, by the Authority aforesaid, That no Affidavit taken by any Commissioners Authorized as aforesaid, shall be Read, or made use of, in any of the Courts aforesaid, unless the Commissioner or Person that take the same mention in the Caption thereof, as well the day when, as also the place and County where the same was Sworn.

Provided also, That the said Affidavits taken; as aforesaid, shall not be Read, or made use of, in any of the said Courts, before the same be filed in the Respective Courts.

ACTS and STATUTES Made in a Parliament, Begun at Dublin the Twenty Seventh Day of August, Anno Dom. 1695. In the Seventh Year of the Reign of Our Most Gracious Sovereign Lord King WILLIAM. Before His Excellency HENRY Lord CAPELL, Lord Deputy General and General Governor of His Majesties Kingdom of IRELAND.

CHAP. I.

An Act for an Additional Duty of Excise upon Beer, Ale, and other Liquors.

CHAP. II.

An Act for taking away the Writ *De Heretico Comburendo*.

BE it Enacted by the Kings Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this Parliament Assembled, And by Authority of the same, That the Writ commonly called *Writ de Heretico Comburendo*, with all Process and Proceedings thereupon, in Subordination to the Executing such Writ or following or depending thereupon, And all punishment by Death in pursuance of Ecclesiastical Censures be from henceforth utterly taken away and Abolished, any Law, Statute, Cannon, Constitution, Custom, or Usage to the Contrary heretofore, or now in Force in any wise notwithstanding. Provided always, That nothing in this Act shall Extend or be Construed to take away or Abridge the Jurisdiction of Protestant Arch-Bishops or Bishops, or any other Judges of any Ecclesiastical Courts in Cases of Atheism, Blasphemy, Heresy, or Schism, or other Damnable Doctrines and Opinions, But that they may proceed to Punish the same according to His Majesty's Ecclesiastical Laws by Excommunication, Deprobation, Degradation, and other Ecclesiastical Censures, not extending to Death, in such sort and no other as they might have done before the making of this Act, any thing in this Law contained to the contrary in any wise notwithstanding.

aving for the Protection of Protestant Arch-Bishops, Bishops, and Ecclesiastical Courts in what doth not extend to death.

CHAP. III.

An Act Declaring all Attainders and all other Acts made in the late pretended Parliament to be Void.

FORASMUCH as since the Happy Accession of His Majesty, King WILLIAM, and the Late Queen MARY, of Blessed Memory, to the Imperial Crown of England, whereunto this Kingdom of Ireland is inseparably Annexed, United and Belonging, no Parliament could or ought to be holden within this Kingdom, unless by their Majesties Authority; Yet nevertheless divers Persons during the late War and Rebellion in this Kingdom, Did on or about the Seventh Day of May, One Thousand Six Hundred Eighty Nine, Assemble themselves at or near the City of Dublin, without Authority Derived from their Majesties; And in opposition thereto, and being so Assembled did pretend to be, and did call themselves by the Name of a Parliament, and Acting in Concurrence with the Late King JAMES, did make and pass several pretended Acts or Statutes, and did Cause the same to be Placed and Recorded amongst the Records and Proceedings of Parliament. All which pretended Acts were formed and Designed in manifest opposition to the Sovereignty of the Crown of England, and for the utter Destruction of the Protestants, and the whole Protestant Interest in this Kingdom; And are and were Null and Void to all Intents and Purposes whatsoever.

And whereas Their said Majesties out of Their Pious and Princely Care of and for Their Dutiful and Loyal Protestant Subjects of this Kingdom, and for their better Security and Relief by an Act of their Parliament of England, made at Westminster in the first Year of Their said Majesties Reign, were Graciously pleased to Enact and Declare, That the said pretended Parliament so as aforesaid Assembled at Dublin was not a Parliament, but an Unlawful and Rebellious Assembly, and that all Acts and Proceedings whatsoever Had, Made, Done or Passed, or to be Had, Made, Done or Passed in the said Pretended Parliament should be Taken, Deemed, Adjudged and Declared to be Null and Void to all Intents, Constructions and Purposes whatsoever. For which We the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, Do Return Our Most Heartly and Unfeigned Thanks to His Most Sacred Majesty. And for the better and further Quieting and Assuring the minds of His Majesties Good Subjects, and to the Intent that no Memorial hereafter may remain amongst the Records of Parliament of any of the Acts or Proceedings of the said Unlawful and Rebellious Assembly, We the Lords Spiritual and Temporal, and Commons in Parliament Assembled, do Most humbly beseech Your Majesty, That it may be Enacted. And be it Enacted by the Kings Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled; And by the Authority of the same, That all and every the Acts or pretended Acts, and the Rolls whereon the said Acts or pretended Acts and every of them are Recorded or Engrossed, and all Proceedings of what Nature or kind soever Had, Made, Done or Passed by the said persons lately so Assembled at Dublin, pretending to be or calling themselves by the name of a Parliament; and also all Writs issued in order to the Calling of the said pretended Parliament, - and returned into any Office in this Kingdom and there remaining, and all the Journals of the said pretended Parliament and other Books or Writings in any wise relating thereunto, or to the holding thereof, shall by the Officers or Persons in whose custody the same are, be brought before the Lord Deputy or other Chief Governor or Governors of this Kingdom for the time being, at such time as the Lord Deputy or other Chief Governor or Governors for the time being, shall appoint at the Council Chamber in Dublin, and there shall be publickly and openly Cancelled and utterly Destroyed; and in case any Officer or Person in whose hands or custody the said Acts and Rolls or Proceedings or any of them do or shall remain, shall willfully neglect or refuse to produce the same to the intent that the same may be Cancelled and Destroyed according to the true intent of this Act, every such Person and Officer shall be and is hereby adjudged and declared to be from thenceforth incapable of any Office or Employment whatsoever; and shall Forfeit and Pay the Sum of five Hundred Pounds, one half thereof to His Majesty, and the other half to such person or persons that shall Sue for the same by any Action of Debt, Bill, Plaint or Information in any Court of Record whatsoever.

And whereas the said Unlawful Assembly, calling themselves a Parliament did take upon them to Pass one or more pretended Acts, whereby in most Cruel and Barbarous manner they did by Express Name Attaint of High-Treason the greatest part of the Lords Spiritual and Temporal and principal Commons of this Kingdom, all which Attainders as also all other Acts and Proceedings or pretended Acts or Proceedings of the said pretended Parliament are hereby Declared and Enacted to have been from the first making thereof, and now to be absolutely Null and Void to all Intents, Constructions and Purposes whatsoever.

We it further Enacted and Declared by the Authority aforesaid, That all and every person and persons who by express Name or otherwise, by any proceedings of the said pretended Parliament were Attainted of High Treason or any other Crime, or subjected to any Incapacity, Disability or Forfeiture, are hereby Declared and Enacted to have been, ever since the making of the said pretended Act or Acts, and to be persons lawful, able and capable to all intents and purposes whatsoever, and free and discharged of and from all Attainders, Corruption of Blood, Disabilities, Incapacities and Forfeitures whatsoever, as fully, freely and intirely, as if the said Acts or pretended Acts, or any of them had not been made or passed, and as if they and every of them had been particularly named in this Act, and by express name and words had been declared to be restored in Blood, made Capable, freed and Discharged as aforesaid.

All Proceedings declared Null and Void.

All persons by them Attainted, their Attainder Null and Void to all intents and purposes whatsoever.

C H A P. IV.

An Act to Restrain Foreign Education.

Children accustomed to be sent out of His Majesty's Dominion, to be Educated &c. the consequences thereof.

Enacting Clause.

Any person sent, to be incapable of being Executors, &c. and any person sending the same, or sending any Money or other thing to be found by a Jury of twelve Men.

All Goods, Estate, &c. forfeited.

Any Justice of Peace in his precincts to enquire into this Act, and bind over the persons,

VV Hereas many of the Subjects of this Kingdom, have accustomed themselves to send their Children, and other Persons under their Care, into France, Spain, and other Foreign parts, not under His Majesty's Obedience, to be Educated, Instructed and brought up; by means and occasion wherof, the said Children and other Persons, have in process of time, ingaged themselves in Foreign Interests, and been prevailed upon to forget the Natural Duty and Allegiance due from them to the Kings and Queens of this Realm, and the Affection which they owe to the Established Religion and Laws of this their Native Country, and Returning so Evil Disposed into this Kingdom, have been in all times past, the Movers and Promoters of many Dangerous Seditions, and often times of open Rebellion. For Remedy wherof,

Be it therefore Enacted and Declared by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That in case any of His Majesty's Subjects of this Realm of Ireland, at any time after the end of this Session of Parliament, shall pass, or go, or shall convey or send, or cause to be conveyed or sent, any Child, or other Person, into any parts beyond the Seas, out of His Majesty's Obedience, to the Intent and Purpose to Enter into, or be Resident or Trained up in any Priory, Abbey, Punnery, Popish University, Colledge or School, or House of Jesuits or Priests; or in case any of His Majesty's Subjects of this Kingdom, shall after the time aforesaid pass or go, or be conveyed or sent out of this Kingdom, into any parts beyond the Seas out of the Kings Obedience, to the intent and purpose to be Resident or Trained up in any private Popish Family, and shall be in such parts beyond the Seas by any Jesuit, Seminary Priest, Fryer, Monk or other Popish Person, Instructed, Persuaded or Strengthened in the Popish Religion, in any sort to profess the same, or shall convey or send, or cause to be conveyed or sent, by the hands or means of any person whatsoever, any Sum or Sums of Money, or other thing for or towards the Maintenance or Support of any Child or other Person already gone or sent, or that shall hereafter go or be sent, and be Trained and Instructed as aforesaid, or under the name or colour of any Charity, Benevolence or Alms towards the Relief of any Priory, Abby, Punnery, Colledge, School or any Religious House whatsoever; every Person so going, sending, conveying or causing to be sent or conveyed or sent, as well any such Child or other Person, as any Sum or Sums of Money or other thing, and every Person passing or being sent beyond the Seas, contrary to the Intent and Meaning of this Act, and being thereof lawfully Convicted in manner and form hereafter mentioned, or upon any Information, Presentation or Indictment for any the Offences as aforesaid, to be found by a Jury of twelve Men of the County or City, or Town Corporate, where such person or persons so going or sending shall have any Estate of Inheritance, when he or they did so send or go, such person and persons so going or sending lawfully, from and after such going or sending, shall be for ever Disabled, from and after such finding, to Sue, Bring or Prosecute any Action, Bill, Plaint, or Information in course of Law, or to Prosecute any Suit in any Court of Equity, or to be Guardian, or Executor, or Administrator to any person, or Capable of any Legacy or Deed of Gift or to bear any Office within the Realm, and shall Lose and Forfeit all his, her, and their Goods and Chattels, which he, she, or they hath, or any other person or persons have, or hath in trust for him, her, and them, and shall forfeit all his, her, and their Lands, Tenements and Hereditaments, Rents, Annuities, Offices and Estate of Freehold, and all Tracts, Powers and Interests therein, for and during his, her and their natural Life and Lives.

And be it further Enacted by the Authority aforesaid, That if any Information be given to any Justice of the Peace that any such Child or other Person, Sum of Money, or other thing is or are gone or sent away, Contrary to the Tenor of this Act; that then every such Justice of the Peace within the Limits of his Jurisdiction is hereby Authorized and Required forthwith to Cause to be brought before him, all such persons Suspected or Charged to have Offended therein;

And

And shall Examine the person or persons so Suspected or Accused without Oath: And also shall Examine any other Person or Persons, upon such his and their several and respective Corporal Oaths, concerning the same: And if upon such Examination it shall appear probable to such Justices of the Peace, that such Child or other Person, Sum of Money, or other thing is, or are gone or sent away, contrary to the true Intent and Meaning of this Act, then the said Justices of the Peace shall Bind the said Suspected person or persons, with sufficient Sureties, and such other persons as he shall judge fit to give Evidence: And the said Informers or Informers in Recognizances of the Sum of Two hundred pounds or such greater Sum or Sums, as to the said Justice or Justices of the Peace shall seem reasonable, with Condition to appear at the next Quarter-Sessions of the Peace to be held for the said County, where such Offence or Offences is, or are supposed to be Committed, or where the Offenders did last Reside, or were taken, and not to depart the said Court without Licence: And the said Justice of the Peace, shall at the first Sitting of the said Court of Quarter-Sessions, Return the said Examinations and Recognizances, unto the Clerk of the Peace in open Court, who shall cause an Information to be framed against such person and persons, or Suspected person or persons, who shall instantly Answer thereunto, and proceed to Tryal thereon, and in Case upon such Tryal it shall by proof appear to the said Court of Quarter-Sessions, that any Person, Sum of Money, or other Thing was by him, her or them, Sent or Conveyed, or caused to be Sent or Conveyed into any parts beyond the Seas, out of His Majesty's Obedience, and in Case by such proof, it shall appear probable to the said Court; that such Sending or Conveying, was contrary to the true Intent and meaning of this Act, then He, She or They shall take upon Him, Her or themselves the proof where such Child or other Person so by them sent, then is, and also to what intent and purpose such Sum or Sums of Money, or other thing was or were sent by him or them beyond the Seas; and in case any such Child or Children or other Child or Children, or other Person or Persons that shall go as aforesaid, Contrary to the Intent and Meaning of this Act, or be sent or Conveyed away, as aforesaid, or any Sum or Sums of Money by way of Exchange, or any other ways or means whatsoever, shall be sent after the time herein Limited, beyond the Seas into Foreign parts, as aforesaid, to any the Intents and Purposes aforesaid, Contrary to the Design or Intent of this Act, that such going or Sending shall be Adjudged, Deemed, and taken to be going or sending, Contrary to this Act, unless the Party or Parties denying the same shall prove the Contrary, or if by Failure of such proof or otherwise upon Examination it shall appear to the said Court of Quarter-Sessions of the Peace, that such Offence or Offences hath or have been Committed Contrary to this Act, the same being Entered on Record, shall be a Conviction as well of the Person or Persons so being sent, as of the parties so sending, and they and every of them shall Forfeit and Incur all the Pains and Penalties and Disabilities before recited and mentioned: The one Moiety of all such Forfeitures to be to His Majesty, His Heirs and Successors, and the other Moiety to Him or Them that shall sue for the same in any Court of Record, by any Action, Bill, Complaint or Information, wherein no Escoin, Protection or Wager of Law, or more than one Imparllance shall be allowed.

and make them give sufficient security.

The Forfeitures of this Act, to be one half to the King, and the other to him or them that will sue for the same.

Provided always, that if any person or persons against whom such Judgment shall be given or pronounced at such General Quarter-Sessions of the Peace, as aforesaid, shall find him or herself aggrieved thereby, it shall and may be Lawful to and for such person and persons respectively to appeal to the Justices of Assize of the said County at the next Assizes, to be held for the same: Which said Justices of Assize are hereby Authorized in the same Assizes, to cause the said Proceedings in the said General Quarter-Sessions of the Peace to be brought before them, and there to Review and Examine the same by such ways and means as to them shall seem Expedient, and to Reverse, Alter and Confirm the same, and every part thereof, as to Justice shall appertain: And all and every Officer and Officers in whose Custody or Power such Proceedings and Conviction shall be at the time of such Inquiry by the said Judge or Judges of Assize, shall obey the Orders and Directions of the said Judge or Judges of Assize therein.

Appeal to the Justices at the next going Assizes.

Provided always, that if any person be Convicted of being sent beyond the Seas, contrary to this Act, by the Conviction of the person sending or conveying him on- ly, such person upon his return into this Kingdom, shall at any time within Twelve Months after such his or her return, or within Twelve Months after his or her

Any person after twelve Months return, or when at Age

may appear
and be admit-
ed to a Tryal,
and prove for
what intent
he &c. was
sent beyond
the Seas.

If acquitted,
to be resto-
red to the
Estate real
only.

Within Six
Months after
return, to
take the
Oaths and
Subscribe the
Declaration
as in the Eng-
lish Act for
abrogating
the Oath of
Supremacy,
&c.

Penalty for
refusing the
taking the
Oaths or
Signing the
Declaration.

By whom
the Offences
are to be
heard.

Not to be
prosecuted
for the same
Offence a
gain if ac-
quitted.

attaining the Age of One and twenty Years, upon his Prayer by Petition to the Court of Kings-Bench of this Kingdom, be admitted to his Tryal, and the Judges of the said Court are hereby Impowered and Required forthwith upon such Prayer, to cause an Information to be Exhibited against such person or persons to which he or they shall plead, and thereupon the said Court shall proceed to Tryal of such person or persons, by Jury of the County where the said Court shall then Sit; and the Defendant or Defendants in such case shall upon his or their Tryal, be obliged to prove to what intent or purpose he, she, or they, was or were sent or conveyed beyond the Seas, and unless he, she or they shall make such proof, whereby it may appear, that he, she or they, were not sent or conveyed contrary to this Act, it shall be taken for granted, that he was sent contrary to this Act, as though the same had been fully proved: And in Case upon his, her or their Tryal, such person or persons shall be Acquitted, he, she and they so Acquitted, shall be Discharged of all the Disabilities, Penalties and Forfeitures in this Act, except his, her or their Goods and Chattels, and the profits of his, her, or their Lands incurred and received before such Acquittal.

Provided also, that every such person sent or conveyed as aforesaid, that shall within Six Months, after his Return into this Kingdom, in the High Court of Chancery, or Court of Kings-Bench in Term time, between the hours of Eight and Twelve in the Morning take the Oaths and Repeat and Subscribe the Declaration, mentioned and appointed, in and by One Act lately made in the Parliament of England, Intituled, An Act for Abrogating the Oath of Supremacy in Ireland, and appointing other Oaths; shall from thenceforth be Discharged of all the Incapacities and Disabilities aforesaid; And shall from the time of his taking such Oaths, and Making, Repeating and Subscribing such Declaration, be restored to the Receipt of the future growing Rents, Issues and Profits of his said Real Estate only; but shall nevertheless lose all the past Rents, Issues and Profits thereof, and all his Personal Estate, any thing before in this Act to the contrary notwithstanding.

Provided always, that if such person or persons at any time after his or their taking the said Oaths, and Making, Repeating and Subscribing the said Declaration, profess him, her, or themselves of the Popish Religion, or refuse the taking the said Oaths, and Repeating and Subscribing the said Declaration, when the same shall be to him, her or them, tendered by the Justices of the Peace in their open Quarter-Sessions of the Peace for the County, or place where such person or persons shall Reside: which the said Justices are hereby Authorized and Required, to tender to all whom they shall suspect to have Relapsed, or shall upon due Summons refuse to appear at such Quarter-Sessions, for the purpose aforesaid, in every such Case the said person or persons shall Incurr, Forfeit and Suffer all and every the Disabilities, Pains, Penalties and Losses, herein before contained, as if such person or persons had never taken the said Oaths, or Repeated and Subscribed the said Declaration.

And be it further Enacted by the Authority aforesaid, That all and every the Offences against this Act, may be Inquired into, Heard and Determined before the Justices of the Kings-Bench, or Justices of Assizes, or Goal-Delivery, or of Oyer and Terminer of such Counties where the Offender did last dwell or abide, or whence he, she or they departed, or were sent out of the Kingdom, or where he, she or they went, or shall be respectively Taken or Apprehended.

Provided always, That if any person shall upon his Tryal before the Justices of the Peace, at the General Quarter-Sessions, be acquitted by the said Court, of any Offence against this Act, or upon his appeal to the Judges of Assize in such manner as by this Act is directed, shall by the said Judges of Assize be acquitted; or in Case he shall upon his Tryal be acquitted by the Jury, upon any Indictment, Presentment or Information Prosecuted against him for any Offence contrary to this Act, such person so acquitted shall not be lyable after such acquittal to be Prosecuted upon this Act in any other manner for the same Offence.

And whereas it is found by experience that Tolerating and Conniving at Papists keeping Schools or Instructing Youth in Literature is one great reason of many of the Disturbances of this Kingdom, continuing ignorant of the Principles of True Religion, and Strangers to the Scriptures, and of their neglecting to conform themselves to the Laws and Statutes of this Realm, and of their not using the English Habit and Language, to the great prejudice of the Publick Weal thereof.

Be it further Enacted by the Authority aforesaid, that no person whatsoever of the Popish Religion, shall publickly Teach School, or Instruct Youth in Learning, or in private Houses, Teach or Instruct Youth in Learning within this Realm from henceforth, except only the Children or others under the Guardianship of the Master or Mistress of such private House or Family, upon Pain of Twenty pounds, and also of being Committed to Prison, without Bail or Mainprize, for the space of three Months for every such Offence: And to the intent that no pretence may be made or used, that there are not sufficient numbers of Schools in this Realm to Instruct and Inform the Youth thereof in the English Language, and other Literature.

None of the Popish Religion to keep School or instruct Youth, Penalty for so doing.

Be it further Enacted by the Authority aforesaid, That one Act of Parliament made in the Twenty eighth Year of the Reign of the late King Henry the Eighth, Called, An Act for the English Order, Habit and Language, whereby it is among other things Enacted and Provided, That every incumbent of each Parish within this Kingdom, shall keep or cause to be kept within the Place, Territory or Parish where he shall have Prebeminence, Rule, Benefice or Promotion a School to Learn English: And also one other Act made in the Twelfth Year of the Reign of the late Queen Elizabeth, Intituled, An Act for the Erection of Free-Schools, whereby it is Enacted and Provided, That a publick Latin Free-School shall be constantly maintained and kept within each Diocess of this Kingdom, which have generally been maintained and kept, but have not had the desired Effect by reason of such Irish Popish Schools, being too much Connived at, and all other Acts and Statutes now in Force in this Realm concerning Schools, shall from henceforth be strictly Observed and put in Execution according to the good Intent and Design of the same, and for the more Effectual doing thereof the Justices of His Majestys Court of Kings-Bench each Term and the Judges of Assize in their Respective Circuits, and the Justices of Peace in their General Sessions of Peace, are Required to give this and the said former Acts in Charge from time to time, to the several Grand-Juries to be then Impannelled and Charged, and to be very Circumspect in seeing the same put in due Execution.

Publick Free-Schools to be Erected and kept in every Diocess.

This Act to be given in charge at every Circuit and Quarter-Sessions.

CHAP. V.

An Act for the better Securing the Government by Disarming Papists.

FOR Preserving the Publick Peace, and Quieting the Kingdom from all Dangers of Insurrection and Rebellion for the future.

Be it Enacted by the Kings Most Excellent Majestty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled; and by Authority of the same, That all Papists within this Kingdom of Ireland, shall before the first Day of March next ensuing, Discover and Deliver up to some Justice or Justices of the Peace or to the Mayor, Bayliff, or Head Officer of the County, City, Town Corporate, or place, Respectively, where such Papist shall dwell and Reside all their Arms, Armour and Ammunition of what kind soever the same be, which are in his or their Hands or possession, or in the Hands of any other person or persons in Trust for them, or at their Disposition, notwithstanding any Licence or Permission for Keeping the same heretofore granted. And that from and after the said first Day of March One Thousand, Six Hundred, Ninety Five, it shall and may be Lawful for any two or more Justices of the Peace within the Limits of their Jurisdiction and Authority; And to all Mayors, Sheriffs, and Chief Officers of Cities and Towns Corporate in their Liberties by themselves, or by Warrant or Warrants under their Hands and Seals, Respectively, from time to time, to Search for, Seize, or cause to be Searched for, and Seized, and take into his or their Custody all such Arms, Armour and Ammunition as shall be concealed in any House, Lodging, or other places where they shall suspect any such Arms, Armour or Ammunition shall be concealed; And such Arms, Armour and Ammunition so Taken or Seized, upon Search and otherwise, as aforesaid, shall by the Person or Persons so Receiving, Taking and Seizing the same be preserved for the Use of His Majestty, His Heirs and Successors: And the said persons shall return a true and particular Account thereof to the Lord Deputy, or other Chief Governor or Governors of this Kingdom, for the time being, or to the end the same may be brought into His Majestty's Stores of War, or be Disposed of as he or they shall think fit.

All Arms and Armor of Papists to be deliver'd up by the 25th of March 1695, either in their own or any one else for their use, and upon search, what are found, to be brought into His Majestties Stores of War.

Provided nevertheless, That no such Search or Searches shall be made in any such House, Houses, or Lodgings, save only between the Rising and Setting of the

No search to be made but Sun

between Sun
and Sun.

Person with
whom found,
to be Exa-
mined upon
Oath.

Sun, other then in Cities and their Suburbs, Towns Corporate, Market Towns, and Houses of such Cities and Towns, if it shall be so thought necessary, and the Warrant or Warrants for that purpose to direct and appoint: And in case such Justices of the Peace, Mayor, Sovereign, Bayliff, or other Chief Magistrate or Officer of any City or Town Corporate after such Search made, shall find cause to suspect that any Arms, Armour, or Ammunition remain concealed and not Seized, as aforesaid, they are hereby respectively Impowered and Required to cause such person or persons whom he or they shall suspect to have concealed the same to be brought before him or them, and to be Examined upon his, her or their Corporal Oath concerning the same.

And be it further Enacted by the Authority aforesaid, That every such Papist who shall have or keep any such Arms, Armour or Ammunition, who shall not discover and deliver up the same by the time aforesaid: And every other person or persons who wittingly or willingly shall have any such Arms, Armour or Ammunition, to the use of, or in trust for any such Papist, contrary to the true Meaning and Intent herof. And also every such person or persons, who upon demand, or search made for such Arms, Armour or Ammunition as aforesaid, shall refuse to Declare and Manifest to the Justice or Justices of the Peace, Mayor, Bayliffs, head Officers, or other persons Authorized and Impowered for Seizing and Searching for all such Arms, Armour and Ammunition in manner as aforesaid, what Arms, Armour and Ammunition they or any other to his knowledge, or with his privacy have, or shall Lett, hinder or Disturb the Delivery thereof to any the said Justices of the Peace, or any other person or persons Authorized by Warrant as aforesaid, to Search for, Take and Seize the same, and every other person and persons who shall refuse to make Discovery, upon his, her or their Oath to be Administred by such Justices of the Peace, Mayor, Bayliff, or other Chief Officer of any City or Town Corporate concerning the Premises as aforesaid; or being Summoned by Warrant under the hands of two or more Justices of the Peace, whereof Notice in Writing to be given to him or her, or left at his or her usual place of abode, shall without reasonable Cause refuse or neglect to appear before such Justices of the Peace, Mayors, Sovereigns, Bayliffs, or other Chief Magistrates, as aforesaid, to be Examined as aforesaid; every such person or persons so Offending contrary to this Statute in this behalf, shall forfeit in manner following (that is to say) if such person or persons be a Peer or Peeres of this Realm, he, she, and they shall for the first Offence forfeit the Summ of One Hundred pounds Sterling, and if such person or persons shall Offend a second time contrary to the true Intent and Meaning thereof, then such person or persons shall for the second Offence, Incurr the Penalty of a person Attainted in a Premunire; and being thereof Convicted, shall suffer Punishment accordingly. And if such person or persons Offending herein, contrary to the true Intent of this Act, shall be under the Degree of a Peer or Peeres, then he, she or they so Offending, shall for the first Offence, being thereof lawfully Convicted, upon an Indictment or Information to be Exhibited at the Assizes or General Quarter-Sessions of the Peace, to be held for the County where such Offence shall be Committed, loose and forfeit the Summ of Thirty pounds; and shall suffer Imprisonment by Order of the Justices of Assize at the Assizes, or Justices of Peace in their General Quarter-Sessions of the Peace in without Bail or Mainprize for one Year; and from thence forward until he, she or they shall pay the penalty aforesaid. And if such person or persons shall Offend a second time, contrary to the true Intent and Meaning herof, then such person or persons so Offending, shall for such second Offence, being Convicted of the first Offence, incur and suffer all the pain and penalties of persons attainted in a Premunire, the said Penalties and Summs of Money so to be forfeit, as aforesaid, by such Peer or Peeres, to be Recovered by Action of Debt, Bill, Plaint or Information in any of His Majesty's Courts of Record; in which said Action of Debt, Bill, Plaint or Information, no Escoyn, Protection nor Wager of Law shall be allowed, nor more than one Imparlance granted; one Moiety thereof to be, and go to the use of His Majesty, His Heirs and Successors; and the other Porty to such person or persons who shall Sue for the same.

If neglecting
to appear, if
Summoned if
a Peer or
Peeres shall
Forfeit

100 l. the se-
cond time a
Premunire.
If under a
Peer or Pe-
res 30 l. and
a Years Im-
prisonment.
The second
time a Pre-
munire, the
Forfeiture
one Moiety
to the King,
His Heirs, &c.
and the other
to him that
will Sue for
the same.

A saving for
those that
were Inhabi-
tants in the
City of Lime-

Provided always, That this Act, or any thing therein contained, shall not extend or be construed to extend to hinder or restrain any Nobleman or Gentleman from keeping or using a Sword, and a Case of Pistols, and a Gun for the Defence of his House, or for Fowling, so as such Noblemen or Gentlemen, be-
fore

fore the said first Day of March, in the Year of our Lord, One thousand six hundred ninety five, shall make proof to the satisfaction of the Lord Deputy, or other Chief Governour or Governours, and the Privy-Council of this Kingdom of Ireland, that he upon the Third Day of October, in the Year of our Lord, One thousand six hundred ninety one, was an Inhabitant or Resident of Limerick, or some other Garrison then in the Possession of the Irish, or was then some Officer or Soldier then in Arms under a Commission of the late King James, or those Authorized under him, to grant the same in the Counties of Limerick, Clare, Kerry, Cork or Mayo, or under their Protection in the said Counties; or was then a Commissioned Officer in His Majesties Quarters belonging to the Irish Regiments then in being which were Treated with, not being then a Prisoner of War, nor having before that time taken protection; and that he has since returned and submitted to His Majesties Obedience, and shall also prove as aforesaid, that he was upon the said Third Day of October within this Kingdom, and so as such Nobleman or Gentleman hath not any time since the said Third Day of October, upon tender to him, refused to take the Oath of Allegiance, required to be taken by an Act of Parliament in England, made in the first Year of the Reign of His present Majesty, and of the late Queen MARY of Blessed Memory; and shall take the said Oath when he shall be thereunto required, or shall prove, as aforesaid, that he was upon the One and Twentieth Day of July, which was in the Year of our Lord, One thousand six hundred ninety one, a Gentleman of Estate then belonging to the Town and Garrison of Galway; But that such Nobleman or Gentleman, respectively so making Proof, and being qualified as aforesaid, may keep and make use of a Sword, a Case of Pistols and a Gun for Defence of his House, or for Fowling, in such manner as he might have done in case this Act had never been made, any thing herein contained to the contrary in any wise notwithstanding.

Provided always, That an Entry shall be made of such proof, and that no Gratuity, Fee or Reward, whatsoever shall be taken by any person other than the Sum of One Shilling for the making such proof, or for the Entry thereof.

Provided always, That no Person shall be Convicted, or Incur any Penalty upon this Act for any Offence committed contrary thereto, upon any Confession or Discovery he or she shall make, being Examined upon Oath, unless such Offence shall be made out by other proof, any thing herein contained to the contrary notwithstanding.

Provided always, That the Lord Deputy, or other chief Governour or Governours, and Privy-Council of this Realm for the time being, may by Order of Privy-Council at any time after the said first Day of March, One thousand six hundred ninety five, License any person or persons as he and they shall think fit, to keep such Arms as shall be particularly Expressed in such License, in as full and ample manner, as such Chief Governour or Governours heretofore might have done before the passing of this present Act, any thing herein contained to the contrary notwithstanding. Which License shall be granted without any Gratuity, Fee or Reward other than the Sum of One Shilling for the Writing thereof.

And be it further Enacted by the Authority aforesaid, That from and after the End of this present Sessions of Parliament, no person whatsoever now, or at any time whatsoever, Exercising or Using the Mystery or Art of making any Locks or Barrels for Guns, Musquets, Pistols, or other Fire-Arms; or of Making Swords, Bagonets, Skains, Knives, or other Weapons, shall take to Prentice, or Use, Receive or Instruct as an Apprentice, any person of the Popish Religion, on pain that every person so Offending, in Entertaining such Popish person to be an Apprentice, or Using, Receiving or Instructing him as such, shall for every such Offence, Forfeit the Sum of Twenty Pounds, to be recovered by Wilt, Plaint or Information, in any of His Majesties Courts of Record, wherein no Essoyn, Protection, or Wager of Law is to be allowed, nor more than one Imparlance Granted; the one Popety of all such Forfeitures to be to His Majesty, His Heirs and Successors, and the other Popety to the Informer, or him or them, that shall or will Sue for the same.

And moreover the Indenture of Apprenticeship, and all Bonds and Contracts to be Made or Entred into by reason or occasion of any such Popish person being put to be an Apprentice, as aforesaid, shall be Void, and are hereby declared to be Void: And, every such Person of the Popish Religion, who shall be hereafter put to be an Apprentice, Instructed contrary to the true meaning of this Act; and who shall

rick, County of Limerick, Clare, Kerry, Cork or Mayo, &c.

Entry and Proof to be made, a shilling only to be paid. None to be convicted by his own words.

The chief Governor or Governours to give Licenses as he & they shall think fit, no Gratuity for the License.

None that make Fire Arms, Swords &c. to take a Popish Apprentice on pain of Forfeiting 20 l.

Such Bonds and Indentures to be void, and every person of the Popish

Religion put-
ting or going
Apprentice
to Forfeit
20 l.

Exercise the said Art or Mystery, shall for every such Offence in Using or Exercising the said Art or Mystery, or any part thereof, forfeit the Sum of Twenty Pounds, to be Sued for and Recovered as aforesaid, to the Uses before-mentioned: And the Justices of the Peace, Mayors, Sovereigns and other head Officers of Cities, Burroughs and Towns Corporate, respectively are hereby Authorized and Required to send for all Apprentices of such Persons Exercising the Art and Mystery aforesaid, whom they shall suspect, and shall tender to them the Oaths and Declaration following, to be by them respectively Taken and Subscribed.

I A. B. Do sincerely Promise and Swear, That I will be Faithful, and bear true Allegiance to His Majesty King *WILLIAM*. So help me God.

I A. B. Do Swear, That I do from my Heart Abhor, Detest, and Abjure, as Impious and Heretical, that Damnable Doctrine and Position, that Princes Excommunicated or Deprived by the Pope, or any Authority of the See of Rome, may be Deposed and Murthered by their Subjects, or any other whatsoever. And I do Declare, That no Foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Pre-heminence or Authority, Ecclesiastical or Spiritual, within this Realm. So help me God.

I A. B. Do Solemnly and Sincerely in the presence of God, Profess, Testifie and Declare, That I do Believe that in the Sacrament of the Lord's-Supper, there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at, or after the Consecration thereof by any Person whatsoever, and that the Invocation or Adoration of the Blessed Virgin *Mary*, or any other Saint, and the Sacrifice of the Mass, as they are now Used in the Church of Rome, are Superstitious and Idolatrous. And I do Solemnly in the presence of God, Profess, Testify and Declare, That I do make this Declaration, and every part thereof, in the Plain and Ordinary Sense of the Words Read unto me, as they are commonly understood by Protestants, without any Evasion, Equivocation, or Mental Reservation whatsoever, and without any Dispensation already granted for this purpose, by the Pope, or any other Authority or Person whatsoever, or without any hope of any such Dispensation, from any Person or Authority whatsoever, or without believing that I am, or can be Acquitted before God or Man, or Absolved from this Declaration, or any part thereof, although the Pope, or any other Person or Persons, or Power whatsoever should Dispense with, or Annul the same, or Declare that it was Null and Void from the beginning.

And the Refusal of such Person or Persons to take the said Oaths, or Subscribe the said Declaration, shall be, and are hereby Declared to be a Conviction of such Persons so refusing the same, of his being Guilty, as also of the Waster of such Apprentice, unless such Waster shall prove that such Apprentice at the time of Entering his Service, was known or reputed to be of the Protestant Religion.

No person of
the Popish
Religion to
keep any
Horses, &c.

Search in the
Day time
only.

And be it further Enacted, That no Papist shall at any time from and after the Twentieth Day of January, One thousand six hundred ninety five, be capable to have or keep in his possession, or in the possession of any other person to his Use, or at his Disposition, any Horse, Gelding or Mare, which shall be of the Value of five Pounds or more; and that if any person, being of the Protestant Religion, shall make Discovery upon Oath of any such Horse or Horses to be in the possession of such Papist, or of any person in Trust for him, to any Two Justices of the Peace, or to the Mayor, or other Chief Magistrate of any City or Town Corporate, That such Justice of the Peace, Mayor, or other Chief Magistrate within their respective Precincts, shall from time to time by Warrant under his and their Hands and Seals, Authorize such person with the assistance of the Constable or his Deputy, or such other Person as he or they shall think fit, who are hereby Required to be Aiding and Assisting therein, in the Day time only, to search for, and secure all and every such Horse and Horses: And in Case of Opposition or Resistance, to Break open any Door, and bring such Horse or Horses before him or them; And such Person being of the Protestant Religion, and Making such Discovery, paying or making Tender before such Justices, Mayor, or other Chief Magistrate of any City or Town Corporate, of the Sum of five Pounds five Shillings to the Owner or Possessor of such Horse, or to such Justice or Chief Magistrate in his or their absence; which the said Justice or Chief Magistrate are hereby

hereby Authorized to receive for the Use of such Owner or Possessor; and that from and after such Payment, or Tender and Refusal; The property of such Horse or Horses for which such Sum or Sums shall be respectively Tendered or Paid, shall by Authority of this present Act, be deemed and adjudged to be Vested in the person making such Discovery and Tender, as if such Horse and Horses had been Bought and Sold in Market Overt; and the said Justices of the Peace, Mayor, Bailiff, or other Head Officer, is, and are hereby Authorized and Required by Warrant under his and their Hands and Seals, to cause such Horse and Horses to be delivered accordingly.

And be it further Enacted, That if any person shall conceal, or be aiding or assisting in the concealing any such Horse or Horses belonging to any Papist or suspected Papist refusing to take the Oaths, and Subscribe the Declaration aforesaid, such person or persons being thereof duly Convicted by the Oaths of Two or more credible Witnesses, before any Justice of the Peace of the County where such Horse or Horses shall be concealed, shall be Committed to the common Goal, by Warrant from the said Justice, there to remain without Bail or Mainprize, by the space of Three Months, and shall forfeit and Lose to His Majesty and His Successors, Treble the Value of such Horse or Horses; which Value is to be Settled by the Justices of the Peace, in their General Quarter-Sessions of the Peace in the respective Counties, who are hereby Authorized to continue such person in Prison, until the due payment of such Sum of Money to the Use of His Majesty, His Heirs and Successors.

No Prote-
stant to con-
ceal the Hor-
ses of a Pa-
pist.

And it is hereby Declared, That every person shall be deemed and taken to be a Papist within the meaning of this present Act, who shall refuse to Take the Oaths, and Subscribe the Declaration herein before-mentioned, when the same shall be Tendered to him by any Justice or Justices of the Peace; which said Oaths and Declaration, the said Justices of the Peace and Chief Magistrates are hereby Authorized and Required to Administer, if any such person or persons shall deny him or themselves to be a Papist within the meaning of this Act; and if any such person or persons shall take the said Oaths and Subscribe the said Declaration, the said Justice and Justices of the Peace shall Certify under his Hand, his or their taking the said Oaths, and return the said Declaration to the next Quarter-Sessions to be held for the said County, there to be Recorded as in such Cases is usual.

And be it further Enacted by the Authority aforesaid, That if any Justice or Justices of the Peace, Mayor, Sovereigns, Bailiffs, or Chief Magistrates, or Officers of any County or Town Corporate, respectively, shall neglect or refuse to Execute any the Powers or Authorities which he or they is, or are respectively required by this present Act to put in Execution, every such Justice of the Peace, Mayor, Sovereign, Bailiff, or Chief Magistrate or Officer, shall for every such Default or Offence, Lose and Forfeit the Sum of Fifty Pounds, to be recovered in any of His Majesty's Courts of Record, by Bill, Plaint or Information, wherein no Essoyn, Protection, or Wager of Law shall be allowed, nor more than one Impar lance Granted; The one Moiety of such Forfeiture to be to His Majesty, His Heirs and Successors, and the other Moiety to such person as shall, or will Sue for the same; and the said Offenders shall be moreover, and are hereby Disabled and made Incapable from, and after his being Convicted, to act as Justice of the Peace, Mayor, Sovereign, Bailiff, or Chief Magistrate, or Officer in any County, City, or Town Corporate in this Kingdom.

Justices of
the Peace,
Mayors, &c.
refusing to
act, to forfeit
50 l. and be
made incapab-
le.

CHAP. VI.

An Act for the better Settling of Intestates Estates.

BE it Enacted by the King's Most Excellent Majesty, with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That all Ordinaries, as well the Judge or Judges of the Prerogative Court of the Archbishop of Armagh for the time being, as all other Ordinaries and Ecclesiastical Judges, and every of them having power to commit Administration of the Goods, Chattles and Credits of persons Dying Intestate, shall and may upon their respective Granting and Committing of Administration of the Goods, Chattles and Credits of persons Dying Intestate, after the Feast of the Purification of the Blessed Virgin MARY, in this present Year of our Lord, One thousand six hundred ninety five, take and require of the respective person or persons, to whom any Administration

Sufficient
Bonds to be
taken with
two Sureties.

The Form of
the Bond.

is to be committed, sufficient Bonds with Two or more able Sureties, respect being had to the Value of the Estate in the Name of the Ordinary, with the Condition in Manner and Form following, Mutatis Mutandis, viz.

The Condition of this Obligation is such, That if the within Bounden A. B. Administrator of All and Singular the Goods, Chattles, and Credits of C. D. Deceased, do make or cause to be made a true and perfect Inventory of All and Singular the Goods and Chattles, and Credits of the said C. D. Deceased, which have, or shall come to the Hands, Possession or Knowledge of him the said A. B. or into the Hands or Possession of any other Person or Persons for him, and the same so made do Exhibit, or cause to be Exhibited in the Registry of _____ at, or before the _____ Day of _____ next Ensuing, and the same Goods, Chattles and Credits, and all other the Goods, Chattles and Credits of the said Deceased, at the time of his Death, which at any time hereafter shall come to the Hands or Possession of the said A. B. or into the Hands or Possession of any other Person or Persons for him, do well and truly Administer, according to Law; And further do make, or cause to be made a true and just Account of his said Administration, at, or before the _____ Day of _____ and all the rest and residue of the said Goods, Chattles and Credits which shall be found remaining, upon the said Administrators Account, the same being first Examined and Allowed of, by the Judge or Judges for the time being of the said Court; shall deliver and pay unto such Person or Persons respectively, as the said Judge or Judges, by his or their Decree or Sentence, pursuant to the true intent and meaning of this Act, shall Limit and Appoint; And if it shall hereafter appear, that any Last Will or Testament was made by the said Deceased, and the Executor or Executors therein named do Exhibit the same into the said Court, making request to have it allowed and approved accordingly, if the said A. B. within Bounden being thereunto required, do Render and Deliver the said Letters of Administration, Approbation of such Testament being first had and made in the said Court, Then this Obligation to be Void and of none Effect, or else to remain in full Force and Vertue.

Ordinaries
may call Ad-
ministrators
to Account
how and to
whom to dis-
pose of the
Surplus.

Which Bonds are hereby Declared and Enacted to be good in Law, to all intents and purposes, and Pleadable in any Courts of Justice; and also, That the said Ordinaries and Judges respectively, shall and may, and are Enabled to proceed against, and call such Administrators to Account, for, and touching the Goods of any person Dying Intestate, and upon Hearing and due consideration thereof, to Order and make just and equal Distribution of what remaineth clear, after all Debts, Funeral Charges, and just Expences of every sort, first allowed and deducted amongst the Wife and Children, or Childrens Children, if any such be, otherwise to the next of Kindred to the dead person, in equal degree or Legally Representing their Stocks pro suo cuiq; Jure, according to Law in such Cases, and the Rules and Limitations hereafter set down, and the same Distribution to Decree and Settle, and to compel such Administrators to observe and pay the same by due Course of His Majesty's Ecclesiastical Laws: Saving to every One, supposing him or themselves aggrieved their Right of Appeal, as was always in such Cases used.

Provided always, and be it Enacted by the Authority aforesaid, That all Ordinaries, and every other Person who by this Act is Enabled to make Distribution of the Surplusage of the Estate of any person Dying Intestate, shall Distribute the whole Surplusage of such Estate or Estates in Manner and Form following (That is to say) One Third part of the said Surplusage to the Wife of the Intestate, and all the Residue by equal portions to, and amongst the Children of such persons Dying Intestate, and such persons as Legally Represent such Children, in case any of the said Children be then Dead, other then such Child or Children (not being Heir at Law) who shall have any Estate by the Settlement of the Intestate, or shall be advanced by the Intestate in his Life time by Portion or Portions, equal to the Share which shall by such Distribution be allotted to the other Children to whom such Distribution is to be made; and in case any Child (other then the Heir at Law) who shall have any Estate by Settlement from the said Intestate, or shall be advanced by the said Intestate in his Life time by Portion, not equal to the Share which shall be due to the other Children by such Distribution, as aforesaid, then so much of the Surplusage of the Estate of such Intestate, to be Distributed to such Child or Children as shall have any Land by Settlement from the Intestate, or were advanced in the Life time of the Intestate, as shall make the Estate

of all the said Children to be equal as near as can be Estimated (but the Heir at Law) notwithstanding any Land which he shall have by Descent, or otherwise, from the Intestate, is to have an equal part in the Distribution with the rest of Children, without any consideration of the Value of the Lands which he hath by Descent, or otherwise, from the Intestate. And in case there be no Children, nor any Legal Representatives of them, then One Poerty of the said Estate to be allotted to the Wife of the said Intestate; the Residue of the said Estate to be Distributed equally to every of the next of Kindred of the Intestate, who were in equal Degree, and those who Legally Represent them.

The Heir at Law to have an equal share.

Provided, That there be no Representations admitted amongst Collaterals after Brothers and Sisters Children: And in case there be no Wife, then all the Estate to be Distributed equally to and amongst the Children: And in case there be no Child, then to the next of Kindred in equal Degree of or unto the Intestate, and their Legal Representatives, as aforesaid, and in no other manner whatsoever.

No Representatives to be admitted afore Brother and Sisters Children. Distribution within what time to be made. Sharers to give security in case Debts appear afterwards.

Provided also, and be it likewise Enacted by the Authority aforesaid, to the End that a due Regard be had to Creditors, that no such Distribution of the Goods of any person Dying Intestate, be made till after One Year be fully Expired after the Intestates Death: And that such and every person to whom any Distribution or Share shall be allotted, shall give Bonds with sufficient Sureties in the said Courts: Which said Bonds shall be likewise good in Law, and Pleadable in any Courts of Justice, That if any Debt or Debts truly Owning by the Intestate, shall be afterwards Sued for and Recovered, or otherwise duly made to appear, that then and in every such case he or she shall respectively refund and pay back to the Administrator his or her Rateable part of such Debt or Debts, and of the Costs of Sute and Charges of the Administrator, by reason of such Debt out of the part and Share so as aforesaid allotted to him or her, thereby to Enable the said Administrators to pay and satisfy the said Debt or Debts so discovered, after the Distribution made, as aforesaid.

Provided always, and be it further Enacted by the Authority aforesaid, That in all cases where the Ordinary hath used heretofore to Grant Administration Cum Testamento annexo, he shall continue so to do, and the Will of the Deceased in such Testament Expresed, shall be performed and observed in such manner as it should have been if this Act had never been made.

Not to Extend to Administration Cum Testamento annexo.

Provided always, That neither this Act nor any thing therein contained, shall be construed to Extend to the Estates of Feme Covert that shall Dye Intestate, but that their Husbands may demand and have Administration of their Rights, Credits, and other Personal Estates, and Recover and Enjoy the same, as they might have done before the making of this Act.

Husbands to have Administration of their Wives personal Estates.

Provided also, and it is hereby further Enacted, That no Administrator shall from henceforth be Cited into any of the Courts in this Act mentioned, to render an Account of the personal Estates of his Intestate, otherwise then by an Inventory or Inventories thereof, unless it be at the instance or prosecution of some person or persons in behalf of a Minor, or having a Demand out of such Estate as a Creditor, or next of Kin, and shall not be compellable to Account before any the Ordinaries or Judges by this Act impowered and appointed to take the same otherwise then as is aforesaid.

And be it further Enacted by the Authority aforesaid, That if after the Death of a Father, any of his Children shall Dye Intestate without Wife or Children in the Life time of the Mother, every Brother and Sister, and the Representatives of them, shall have an equal Share with her, any Law, Usage, or Custom, to the contrary notwithstanding.

And whereas it hath been heretofore used, That in Case any Executor or Administrator, to any person Deceased, did obtain any Judgment or Judgments in Law, in any of His Majesty's Courts of Record, within this Kingdom of Ireland, in his or their own Name or Names, for any Debt due unto his or their Testator or Intestate, and did happen to Dye before any Execution Sued forth by him or them, upon such Judgment or Judgments, the effect or benefit of such Judgment or Judgments, was wholly lost, and such person or persons to whom Letters of Administration of the Goods Unadministred to such first Testator or Intestate were committed, could not by the Rules of Law, have any benefit or advantage of such Judgment or Judgments by Scire Facias, or otherwise, but were forced for the Recovering of such Debt or Duty, to Sue forth a New Original to their great Expence and Delay. For Remedy whereof,

Administra-
tor *de bonis*
non &c. may
sue out a *Sci-*
re Facias on a
Judgment
obtained by
the Executor,
and Dying
before the
Execution
sued out.
The Custom
of Ireland con-
cerning Wills
and Admini-
strations ta-
ken away.

Be it Enacted by the Authority aforesaid, That from henceforth in all such Cases it shall and may be Lawful for any Administrator or Administrators, of the Goods Unadministred of such first Testator or Intestate, to sue forth any Writ or Writs of Scir. Fac. upon any such Judgment or Judgments so had and obtained in the Name or Names of such Executor or Administrator, and have the benefit and advantage of such Judgment or Judgments as fully to all intents and purposes, as such Executor or Administrator himself might have had if he or they had been Living, and sued forth such Writ or Writs upon any such Judgment; any Law, Custom or Usage of the contrary hereof in any wise notwithstanding.

And whereas it has been held, that there is a certain Custom within this Kingdom of Ireland, to the effect following, that is to say, That if any person Dye possessed of, or Intituled to any Goods, Things in Action, or personal Estate whatsoever; and having at the time of his Death, a Wife or Child, or Children, that in such Case all the said Estate is to be divided unto Three equal parts, whereof one third part belongs to the Wife, another to the Child or Children, and the other third part only to be subject to the disposition of the party Deceased, by his last Will or Testament, in case he make any, or to go in a course of Administration in case he Dye Intestate, and if he leave a Wife only, and no Child or Children, then the said Estate to be divided into Two parts, whereof the One Poerty to go to the Wife, and the other Poerty only to be subject to his disposition by Will, as aforesaid; otherwise to go in a course of Administration, in case he Dye Intestate: And in like manner if he shall leave a Child or Children, and no Wife.

Now it is hereby Declared, That the said Custom shall from henceforth be absolutely Null and Void to all intents and purposes whatsoever; and shall not be taken to be in Force, or to be Binding to any person or persons whatsoever.

Executors or
Administra-
tors in
their own
wrong wa-
ring or con-
verting the
Goods of the
Deceased,
shall be lia-
ble to make
good the
same.

And whereas the Executors and Administrators of such persons who have possessed themselves of considerable Personal Estates of other Dead persons, and converted the same to their own use, have no remedy by the Rules of the Common Law as it now stands, to pay the Debts of those persons whose Estate hath been so converted by their Testator or Intestate, which hath been found very mischievous, and many Creditors defeated of their just Debts, although their Debtors left behind them sufficient to satisfy the same with a great Overplus. For Remedy whereof,

Be it further Enacted by the Authority aforesaid, That all and every the Executors and Administrators of any person or persons, who as Executor or Executors in his or their own wrong, or as Administrator, shall from and after the fifth Day of November, in this present Year of our Lord One thousand six hundred ninety and five, waste or convert any Goods, Chattles, Estate or Assets, of any person Deceased to their own use, shall be lyable and chargable to make good the same out of the Assets of such Testator or Intestate.

CHAP. VII.

An Act for Reviving Two Statutes lately Expired, and making them Perpetual; And for avoiding unnecessary Suits and Delays.

Vhereas in a Parliament held in the Seventeenth and Eighteenth Years of the Reign of King Charles the Second, the several Statutes hereafter mentioned were Enacted (viz.) One Act, Intituled, An Act to prevent Delays in Extending Statutes, Judgments and Recognizances. And One other Act, Intituled, An Act to prevent Arrests of Judgments, and Superceding Executions: Both which Acts are now Expired; but by Experience have been found to be good and profitable Laws for this Kingdom, and fit to be Revived and made Perpetual.

Be it therefore Enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons of this present Parliament Assembled, and by the Authority of the same, That the said several Statutes, and every of them, and all and every the Branches and Clauses in them, and every of them contained, are hereby Revived, and shall from henceforth be, remain and continue in Force and Effect for ever.

The death of
the Plaintiff
or Defendant
shall be no
Error.

And be it further Enacted by the Authority aforesaid, That in all Actions real and personal, or mixt, the Death of either party between the Verdict and the Judgment, shall not be hereafter alledged for Error, so as Judgment be Entered within Two Terms after such Verdict.

C H A P. VIII.

An Act for Redress of Inconveniencies for want of Proof of the Deceases of Persons beyond the Seas, or Absenting themselves, upon whose Lives Estates do depend.

V Whereas divers Lords of Mannors, and others, have used to Grant Estates by Lease for one or more Life or Lives, or else for Years, Determinable upon one or more Life or Lives; and it hath often happened that such person or persons for whose Life or Lives such Estates have been Granted, have gone beyond the Seas, and absented themselves for many Years, that the Lessors and Reversioners cannot find out whether such person or persons be alive or dead, by reason whereof such Lessors and Reversioners have been held out of Possession of their Tenements for many years after all the Lives upon which such Estates depend are dead, in regard that the Lessors and Reversioners when they have brought Actions for the Recovery of their Tenements, have been put upon it to prove the Death of their Tenants when it is almost impossible for them to discover the same. For Remedy of which Mischief so frequently happening to such Lessors or Reversioners,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That if such person or persons for whose Life or Lives such Estates have been or shall be granted, as aforesaid, shall remain beyond the Seas, or else were absent themselves in this Realm by the space of Seven Years together, and no sufficient and evident Proof be made of the Lives of such person or persons respectively, in any Action commenced for the Recovery of such Tenements by the Lessors or Reversioners, their Heirs or Assigns: The Judges before whom such Action shall be brought, shall Direct the Jury to give their Verdict as if the person so remaining beyond the Seas, or otherwise Absenting himself were Dead.

Persons beyond the Seas, and absenting themselves for the space of Seven Years, to be adjudged dead.

And be it further Enacted, That if any such Action wherein the Life or Death of any such person or persons shall come in question between the Lessor or Reversioner, and the Tenant in possession; it shall and may be Lawful for the Lessor or Reversioner to take Exception to any of the Jurors returned for the Tryal of that Cause, that the greatest part of the Real Estate of any such Juror is held by Lease for Life or Lives, who upon Proof thereof shall be set aside as in case other Legal Challenges.

What shall be a good Challenge to Jurors upon Tryals of Estates for Lives.

Provided always, and be it Enacted, That if any person or persons shall be Evicted out of the Lands or Tenements by Virtue of this Act, and afterwards if such person or persons upon whose Life or Lives such Estate or Estates depend, shall return again from beyond the Seas, or shall on Proof in any Action to be brought for recovery of the same, be made appear to be Living, or to have been Living at the time of the Eviction, that then, and from thenceforth the Tenant or Lessee who was Evicted of the same, his or their Executors, Administrators or Assigns, shall or may Re-enter, Re-possess, Have, Hold, and Enjoy the said Lands or Tenements as in his or their former Estate, for, and during the Life or Lives, or so long Term as the said person or persons, upon whose Life or Lives the said Estate or Estates depend shall be Living, and shall also upon Action or Actions to be brought by him or them against the Lessors, Reversioners or Tenants in possession, or other persons respectively, which since the time of the said Eviction received the Profits of the said Lands or Tenements, recover for Damages the full Profits of the said Lands or Tenements respectively, with Lawful Interest, for and from the time that he or they were Evicted of the said Lands or Tenements, and kept and held out of the same by the said Lessors, Reversioners, Tenants, or other Persons, who after the said Eviction Received the Profits of the said Lands or Tenements, or any of them respectively, as well in the Case where the said person or persons, upon whose Life or Lives such Estate or Estates did depend, are, or shall be Dead at the time of bringing the said Action or Actions as if the said person or persons were then Living.

Remedy for persons Evicted, the *Cestui que vie* being not really dead.

C H A P. IX.

An Act for the more Effectual Suppressing of Prophane Curling and Swearing.

Whereas it is found by Experience, that an Act of Parliament made in the Tenth and Eleventh Years of the Reign of King Charles the First, Intituled, An Act to Prevent and Reform Prophane Swearing and Curling, hath pro-

ved

bed ineffectual to the Suppressing of those detestable Sins, by reason of some Deficiency in the said Act.

Penalty for Swearing and Cursing for the common people, and for others offending therein.

Be it therefore Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That if any person or persons shall after the Fifth Day of November, in this present Year of our Lord, One thousand six hundred ninety and five, Profanely Swear and Curse, in the presence or hearing of any Justice of the Peace of the County, Division, or of the Mayor, or other Head Officer or Justice of Peace, for any City, or Town Corporate, where such Offence is or shall be committed, or that shall be thereof Convicted by the Oath of one Witness, or by the Confession of the Party Offending, before any Justice of the Peace of the County, or Mayor, or Bayliff, or other Chief Officer, or Justice of the Peace of such City, or Town Corporate, where the said Offence shall be committed, That then for every such Offence, the Party so Offending, shall forfeit and Pay to the Use of the Poor of the Parish where such Offence or Offences shall be committed, the respective Sums herein-after mentioned, (that is to say) Every Servant, Day-Labourer, Common-Soldier, and Common-Seaman, One Shilling, and every other Person Two Shillings: And in Case any of the Persons aforesaid, shall after Conviction, Offend a second time, such Persons shall forfeit and Pay double; and if a third time, treble the Sum respectively by him or her to be Paid for the first Offence.

How and by whom to be Levied.

And it is hereby further Enacted, That upon neglect or refusal of Payment of the said Forfeiture, any Justice of Peace of the County, or Mayor, or other Head Officer, or Justice of Peace of any City, or Town Corporate where the said Offence shall be committed, shall, and are hereby Authorized and Required to Direct and send his Warrant to the Constable, Tything-Man, Church Warden, or Overseer of the Poor of the Parish where the Offence shall be committed, or where the Offender shall Inhabit, thereby commanding them, or some one or more of them, to Levy by Distress, and Sale of the Goods of the Offender, the Sum so Forfeited, for the use of the Poor of the Parish, as aforesaid: And in case no such Distress can be had, then every such Offender being above the Age of Sixteen Years, shall by Warrant under the Hand and Seal of the said Justice of Peace, or other Officer, as aforesaid, be publicly Set in the Stocks, for the space of One Hour, for every single Offence, and for any number of Offences whereof he shall be Convicted at one and the same time, then Two Hours; and if the Party offending, be under the Age of Sixteen Years, and shall not forthwith pay the said Forfeitures, then he or she shall by Warrant, as aforesaid, be Whipt by the Constable, or by the Parent, Guardian or Master of such Offender, in the presence of the Constable.

Penalty of Justices neglecting their duty herein.

And be it further Enacted, That if any Justice of the Peace or Chief Magistrate shall wilfully and willingly omit the performante of his Duty in the Execution of this Act, he shall forfeit the Sum of Five Pounds; the one Moiety to the use of the Informer, to be recovered by Action, Suit, Bill or Plaint, in any of His Majesty's Courts, wherein no Essoyn, Protection or Wager of Law shall be allowed, nor any more than one Imparllance granted.

Defendants may plead the general Issue, and have treble costs.

And it is hereby further Enacted, That if any Action or Suit shall be commenced, or brought against any Justice of Peace, Constable, or other Officer or Person whatsoever, for doing, or causing to be done any thing in pursuance of this Act concerning the said Offences, the Defendant in such Action may plead the General Issue, and give the special Matter in Evidence; and if upon such Action, Verdict be given for the Defendant, or the Plaintiff become Non-Suite, or discontinue his Action, then the Defendant shall have treble Costs.

Within what time Offenders shall be prosecuted. To be read four times in the year in all Parish Churches, &c. and the Forfeiture of every Minister neglecting.

Provided always; and it is hereby Enacted, That no Person shall be Prosecuted or Troubled for any Offence against this Statute, unless the same be Proved or Prosecuted within Ten Days next after the Offence committed.

And it is further Enacted by the Authority aforesaid, That this Act shall be publicly Read four times in the Year in all Parish Churches, and all publick Chapels, by the Parson, Vicar or Curate of the respective Parishes or Chappels immediately after Morning Prayers, on four several Sundays, (that is to say,) The Sunday next after the Fifth Day of November, in this present Year of our Lord One thousand six hundred ninety five; The Fifth Day of February following; The Fifth Day of May, which will be in the Year of our Lord, One thousand six hundred ninety six; And the Fifth Day of August following, under the pain of Twenty Shillings for every such Omission or Neglect.

And

And be it further Enacted by the Authority aforesaid, That the Justices of Peace, Payor, or other Head Officer shall Register in a Book to be kept for that purpose all the Convictions made before him upon this Act, and the time of making thereof, and for what Offence; and shall Certify the same to the next General-Quarter-Sessions of the Peace for the said County, or place where the Offences are committed, to be there kept upon Record by the respective Clerks of the Peace, to be seen without Fee or Reward.

Justices of the Peace to Register all the Convictions before them, and to certify the same to the Sessions.

CHAP. X.

An Act to take away Damage Clear.

Whereas the Moneys which are taken by Prothonotaries of Your Majesty's Courts of Kings-Bench and Common-Pleas, and by the Clerk of Your Majesty's Court of Exchequer at Dublin, and the Clerks and Prothonotaries in any other Court within this Realm, in the Name of Damna Clericorum, or Damage Clear, are an unnecessary Charge and Burthen to all Your Majesty's Subjects, who have good cause and put to sue for damage in Actions where damages are recoverable; For avoiding of which Inconveniency for the future, and that Your Majesty's Subjects may have an easier means for the recovery of their Damages and just Rights which are unjustly detained from them; May it please Your Most Excellent Majesty that it may be Enacted; and His Most Excellent Majesty being willing upon all Occasions to Ease His Subjects of all unnecessary Charges and Burthens, is Graciously pleased that it be Enacted.

To cease and be abolished.

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That no Damage Clear shall by any Title or Pretence whatsoever be Due, Payable, Taken or Received from any Person or Persons in any Action whatsoever Sued or Prosecuted in any of His Majesty's Courts at Dublin, or else where within the Kingdom of Ireland, by any Prothonotary, Clerk or Clerks, or other Officer or Officers of the said Courts respectively, and that the said Fee of Damna Clericorum, or Damage Clear, shall wholly cease and be for ever abolished in the said Courts; and that if any Prothonotary, Clerk or Clerks, or other Officer, in any of the said Courts, shall Take or Exact any Sum or Sums of Money in the name of Damna Clericorum, or Damage Clear, or any thing in Lieu thereof; or if any of the said Prothonotaries, Clerk or Clerks, or their Deputies, shall Exact or Take any Damage Clear, or Sum of Money, Bond or Security in Lieu thereof, from any Plaintiff or Plaintiffs, Demandant or Demandants, in any Action where Damages have been, or hereafter shall be recovered in any of the said Courts, or shall refuse or delay to Sign any Judgment until Damage Clear be first paid by the Plaintiff or Demandant, he or they so Offending shall forfeit treble the Sum so Taken, Exact or Demandant to the Party or Parties grieved, to be recovered by Bill, Plaint or Information in any of the said Courts, where in no Escoyn, Protection or Wager of Law shall be allowed.

The Penalty for exacting any thing in lieu thereof, or delaying to Sign Judgment.

CHAP. XI.

An Act to take away the Benefit of Clergy from him that doth Stabb another, not having a Weapon Drawn.

That the End that Stabbing and Killing Men on the sudden, done and committed by many inhumane and wicked Persons in the time of their Rage, Drunkenness, hidden Displeasure, or other Passion of Mind, contrary to the Commandment of Almighty God, and the common Peace and Tranquility of this Realm, may from henceforth be restrained for fear of due punishment to be Inflicted on such cruel and bloody Malefactors, who heretofore have been thereunto Emboldened by presuming on the Benefit of the Clergy.

Be it therefore Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons of this present Parliament Assembled, and by the Authority of the same, That every person and persons who after the End of this present Parliament shall Stabb or Thrust any person or persons that hath not then any Weapon Drawn, or that hath not then first Stricken the Party which shall so Stabb or Thrust so as the person or persons so Stabbed or Thrust shall thereof Die within the space of Six Months then next following, although it cannot be proved that the same was done of Malice fore-thought, yet the Party so Offending, and being thereof Convicted by Verdict of Twelve Men, Confession, or otherwise according to the Laws of this Realm, shall be Excluded from the benefit of his or their Clergy, and suffer Death as in case of Felony, without benefit of Clergy. Provided

Prohibited always, That this Act, or any thing therein contained, shall not Extend to any person or persons which shall Kill any person Se Defendendo, or by Misfortune, or in any other manner than as aforesaid, nor shall Extend to any person or persons who in keeping and preserving the Peace, shall chance to commit Man-Slaughter, so as the said Man-Slaughter be not committed wittingly, willingly, and of purpose, under pretext and colour of keeping the Peace; nor shall Extend to any person or persons, which in Chastizing or Correcting his Child or Servant, shall besides his or their intent and purpose chance to commit Man-Slaughter.

C H A P. XII.

An Act for prevention of Frauds and Perjuries.

For prevention of many fraudulent Practices which are commonly endeavoured to be upheld by Perjury and Subornation of Perjury.

No Leases or Estates, &c. to be Assigned, Granted or Surrendered without Writing. Parole Leases, and Interests of Freeholds to have the force of Estates at will, except Leases not exceeding the term of three years. In what Case a Contract shall not be binding.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Feast Day of the Nativity of Saint John Baptist, which shall be in the Year of our Lord, One thousand six hundred ninety six, all Leases, Estates, Interests, Freeholds or Terms of Years, or any uncertain Interest of, into or out of any Messuages, Mannors, Lands, Tenements or Hereditaments, made and created by Liberty of Seizen only, or by Parole, and not put in Writing, and Signed by the Parties so making and creating the same, or their Agents thereunto Lawfully Authorized, by Writing, shall have the Force and Effect of Leases and Estates, at Will only; and shall not either in Law or Equity be deemed or taken to have any other or greater Force and Effect, any consideration for making such Parole Leases or Estates, or any former Law or Usage to the contrary notwithstanding: Except nevertheless, all Leases not exceeding the Term of Three Years from the making thereof whereupon the Rent reserved to the Landlord, during such Term, shall amount unto Two third parts, at the least, of the full Improved Value of the thing demised.

And moreover that no Estates, Leases, or Interests, either of Freehold or Term of Years, or any uncertain Interest, not being Copyhold or customary Interest, of, into, or out of any Messuages, Lands, Tenements or Hereditaments, shall at any time after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord God, One thousand six hundred ninety and six, be Assigned, Granted or Surrendered, unless it be by Deed or Note in Writing, Signed by the Parties so Assigning, Granting or Surrendering the same, or their Agents thereunto Lawfully Authorized by Writing, or by Act and Operation of Law.

In what Case a Promise Collateral shall not be binding.

And be it further Enacted by the Authority aforesaid, That from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord, One thousand six hundred and ninety six, no Action shall be brought whereby to charge any Executor or Administrator upon any special Promise, to answer Damages out of his own Estate, or whereby to charge the Defendant upon any special Promise to answer for the Debt, Default or Mis carriage of another person, or to charge any person upon any Agreement made upon consideration of Marriage, or upon any Contract or Sale of Lands, Tenements or Hereditaments, or any Interest in, or concerning them, or upon any Agreement that is not to be performed within the space of one Year from the making thereof, unless the Agreement upon which such Action shall be brought, or some Memorandum, or Note thereof shall be in Writing, and Signed by the Party to be charged therewith, or some other person thereunto by him Lawfully Authorized.

And be it further Enacted by the Authority aforesaid, That from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord, One thousand six hundred ninety and six, all Devises and Bequests of any Lands, Tenements or Hereditaments, Devisable, either by Force of the Statute of Wills, or by this Statute, or by Force of the Custom of any Burrough, or any other particular Custom, shall be in Writing, and Signed by the Party so Devising the same, or by some other Person in his presence, and by his express Directions, and shall be Attested and Subscribed in the presence of the said Devisor, by three or more credible Witnesses, or else they shall be utterly Void and of none Effect.

Wills in Writing how to be covered.

And moreover no Devise in Writing of any Lands, Tenements or Hereditaments, that at any time after the said Feast Day of the Nativity of Saint John the Baptist, which

which shall be in the Year of our Lord God, One thousand six hundred ninety and six, be Revocable, otherwise then by some other Will or Codicil in Writing, or other Writing Declaring the same, or by Burning, Cancelling, Tearing or Obliterating the same by the Testator himself, or in his presence; and by his Directions and Consent; but all Devises and Requests of Lands and Tenements, shall remain and continue in Force until the same be Burnt, Cancelled, Torn or Obliterated by the Testator, or his Directions, in manner aforesaid; or unless the same be altered by some other Will or Codicil in Writing, or other Writing of the Devisors, Signed in the presence of three or more Witnesses Declaring the same, any former Law or Usage to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord God, One thousand six hundred ninety and six, all Declarations or Creations of any Trusts or Confidences of any Lands, Tenements or Hereditaments, shall be manifested and proved by some Writing Signed by the Party who is by Law enabled to declare such Trust, or by his Last Will in Writing, or else they shall be utterly Void and of none Effect.

Declarations of Trusts to be in Writing.

Provided always, That where any Conveyance shall be made of any Lands or Tenements by which a Trust or Confidence shall or may arise by Implication or Construction of Law, or to be Transferred or Extinguished by Act or Operation of Law, then and in every such Case, such Trust or Confidence shall be of the like Force and Effect, as the same would have been if this Statute had not been made, any thing herein before contained to the contrary notwithstanding.

Of what force Trusts arising by Construction of Law shall be.

And be it further Enacted, That all Grants and Assignments of any Trust or Confidence shall likewise be in Writing, Signed by the Party Granting or Assigning the same, or by such Last Will or Devise, or else shall likewise be utterly Void and of none Effect.

Assignments of Trusts to be in Writing.

And be it further Enacted by the Authority aforesaid, That from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the Year of our Lord God, One thousand six hundred and ninety six, it shall and may be Lawful for every Sheriff or other Officer, to whom any Precept or Writ is or shall be Directed at the Suit of any Person or Persons, of, for and upon any Judgment, Statute or Recognizance, hereafter to be made or had, to do, make and deliver Execution unto the Party in that behalf Suing, of all such Lands, Tenements, Rectories, Tythes, Rents and Hereditaments, as any other Person or Persons, be in any manner of wise Seized or Possessed in Trust for him, against whom Execution is so Sued, like as the Sheriff or other Officer might or ought to have done, if the Party against whom Execution hereafter shall be so Sued, had been Seized of such Lands, Tenements, Rectories, Tythes, Rents, or other Hereditaments of such Estate, as they be Seized of in Trust for him at the time of the said Execution Sued; which Lands, Tenements, Rectories, Tythes, Rents, or other Hereditaments, by Force and Vertue of such Executions, shall accordingly be Held and Enjoyed, Freed and Discharged from all Incumbrances of such Person or Persons as shall be so Seized or Possessed, in Trust for the Person against whom such Execution shall be Sued: And if any Cestuique Trust hereafter shall Dye, leaving a Trust in Fee Simple, to Descend to his Heirs, there and in every such Case, such Trust shall be deemed and taken, and is hereby Declared to be Assets by Descent, and the Heir shall be liable to, and chargeable with the Obligation of his Ancestor, for or by reason of such Assets, as fully and amply as he might and ought to have been, if the Estate in Law had Descended to him in Possession in like manner as the Trust Descended, any Law, Custom or Usage to the contrary in any wise notwithstanding.

Lands in Trust may be taken in Execution for the Cestuique Trust.

Provided always, That no Heir who shall become chargeable by reason of any Estate or Trust made Assets in his Hands by this Law, shall by reason of any kind of Plea or Confession of the Action, or suffering Judgment by Nient de dire, or any other matter be chargeable to pay the Condemnation out of his own Estate, but Execution shall be Sued of the whole Estate so made Assets in his Hands, by Descent in whole Hands soever it shall come after the Writ purchased in the same manner as it is to be at, and by the common Law where the Heir at Law Pleading a true Plea, Judgment is prayed against him thereupon, any thing in this present Act contained to the contrary notwithstanding. And for the Amendment of the Law in the particulars following,

A Proviso for Heirs.

*Estates pur
auter vie how
devisable,
and in what
Case to be
Assets.*

Be it further Enacted by the Authority aforesaid, That from henceforth any Estate pur auter vie, shall be Devisable by a Will in Writing, Signed by the Party so Devising the same, or by some other Person in his presence, and by his express Direction Attested and Subscribed in the presence of the Devisor, by three or more Witnesses; and if no such Devise thereof be made, the same shall be chargeable in the Hands of the Heir if it shall come to him by reason of a special Occupancy, as Assets by Descent, as in case of Lands in Fee Simple, and in case there be no special Occupant thereof, it shall go to the Executors or Administrators of the Party that had the Estate thereof by Virtue of the Grant, and shall be Assets in their Hands.

And whereas it hath been found Mischievous, That Judgments in the Kings Courts at Dublin, do many times relate to the first Day of the Term whereof they are Entred, or to the Day of the return of the Original, or filing the Bail, and Bind the Defendants Lands from that time, although in Truth they were Acknowledged, or Suffered, or Signed in the Vacation time after the said Term, whereby many times Purchasers find themselves aggrieved.

Be it Enacted therefore by the Authority aforesaid, That from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord God, One thousand six hundred ninety six, any Judge or Officer in His Majesty's Court at Dublin, that shall Sign any Judgment, shall at the Signing of the same, without Fee for so doing of the same, set down the Day of the Month and Year for his so doing, upon the Paper, Book, Docket or Record, which he shall Sign, which Day of the Month and Year, shall be also Entred upon the Margin of the Roll of the Record, where the said Judgment shall be Entred.

And be it Enacted, That such Judgments as against Purchasers, Bona fide, for valuable considerations of Lands, Tenements or Hereditaments, to be charged thereby, shall in consideration of Law be Judgments only from such time as they shall be so Signed, and shall not relate to the first Day of the Term whereof they are Entred, or the Day of the Return of the Original or filing the Bail, any Law or Usage, or course of any Court, to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord God, One thousand six hundred ninety and six, no Writ of Fier. Fac. or other Writ of Execution, shall Bind the property of the Goods of the Party against whom such Writ of Execution is Sued forth, but from the time such Writ shall be delivered to the Sheriff, under-Sheriff, or Coroner, to be Executed. And for the better Manifestation of the said time, the Sheriff, Under-Sheriff and Coroners, their Deputies and Agents, shall upon the Receipt of any such Writ, without Fee for doing the same, Endorse upon the back hereof, the Day of the Month and Year, whereon he or they received the same.

And be it further Enacted by the Authority aforesaid, That from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord God, One thousand six hundred and ninety six, no Contract for the Sale of any Goods, Wares or Merchandizes, for the Price of Ten Pounds Sterl. or upwards, shall be allowed to be good, except the Buyer shall accept part of the Goods so Sold, and actually receive the same, or give something in Earnest to Bind the Bargain, or in part of Payment, or that some Note or Memorandum in Writing of the said Bargain, be Made and Signed by the Parties to be charged by such Contract, or other Agents thereunto Lawfully Authorized.

And be it further Enacted by the Authority aforesaid, That the Day of the Month and Year of the Inrollment of the Recognizances, shall be set down in the Margin of the Roll where the said Recognizances are Inrolled, and that from and after the said Feast Day of Saint John the Baptist, which shall be in the said Year of our Lord God, One thousand six hundred and ninety six, no Recognizances shall Bind any Lands, Tenements or Hereditaments, in the Hands of any Purchaser, Bona fide, and for valuable consideration, but from the time of such Inrollment, any Law, Usage, or course of any Court, to the contrary notwithstanding.

And for prevention of fraudulent Practices in setting up Noncupative Wills, which have been the occasion of much Perjury,

Be it Enacted by the Authority aforesaid, That from and after the Feast said Day of Saint John the Baptist, which shall be in the said Year of our Lord God, One thousand six hundred ninety six, no Noncupative Will shall be good where the Estate thereby Bequeathed shall exceed the value of Thirty Pounds, that is not proved by

*The Day of
the Month
and Year, to
be set down
on the Paper,
Book, Doc-
ket or Re-
cord, of eve-
ry Judgment,
when Signed
by the Party
Signing the
same.*

*And the same
to be of
force, as
against Pur-
chasers, Bona
fide only from
such time.
From what
time the pro-
perty of
Goods shall
be bound by
a Fieri Faci-
as.*

*In what case
a Contract
shall not be
binding with-
out a Memo-
randum in
Writing.*

*From what
time a Recog-
nizance shall
be binding.*

*Where a Non-
cupative Will
shall be good,
and where
not.*

by the Oaths of Three Witnesses (at the least) that were present at the making thereof, nor unless it be proved that the Testator at the time of pronouncing the same, did bid the Persons present or some of them, bear Witness that such was his Will, or to that Effect; nor unless such Poncupative Will were made in the time of the last Sickness of the Deceased, and in the House of his or their Habitations or Dwelling, or where he or she hath been Resident for the space of Ten Days or more, next before the making of such Will, except where such Person were surprized or taken Sick, being from his own Home, and Dyed before he returned to the place of his or her Dwelling.

And be it further Enacted, That after Six Months passed after the speaking of the pretended Testamentary Words, no Testimony shall be received to prove any Will Poncupative, except the said Testimony, or the Substance thereof, were committed to Writing within Six Days after the making of the said Will.

Within what time to be committed to Writing.

And be it further Enacted, That no Letters Testamentary or Probate of any Poncupative Will, shall pass the Seal of any Court till Fourteen Days, at the least, after the Decease of the Testator be fully Expired, nor shall any Poncupative Will be received to be proved, unless Process have first Moved to call in the Widow or next of Kindred to the Deceased, to the end they may Contest the same if they please.

Observations about the probate of Poncupative Wills.

And be it further Enacted, That no Will in Writing concerning any Goods or Chatties, or Personal Estate shall be Repealed; nor shall any Clause, Devise or Bequest therein be altered or changed by Words or Will, by Word of Mouth only, except the same be in the Life of the Testator committed to Writing; and after the Writing thereof, Read unto the Testator, and allowed by him, and proved to be so done by three Witnesses at the least.

Wills in Writing not to be revoked or altered by Word of Mouth only.

Provided always, That notwithstanding this Act, any Soldier being in actual Military Service, or any Mariner or Seaman being at Sea, may dispose of his Possibles, Wages and Personal Estate, as he or they might have done before the making of this Act.

A Clause for Soldiers and Mariners.

And it is hereby Declared, That nothing in this Act shall Extend to alter or change the Jurisdiction or Rights of Probates of Wills concerning Personal Estates, but that the Prerogative Court of the Archbishop of Armagh and other Ecclesiastical Courts, and other Courts, having right to the Probate of such Wills, shall retain the same Right and Power as they had before in every respect, subject nevertheless to the Rules and Directions of this Act.

Jurisdiction Ecclesiastical served.

CHAP. XIII.

An Act for the more easy Discharging of Sheriffs upon their Accounts: And from being Justices of the Peace.

Whereas divers Sheriffs of Counties within this Kingdom of Ireland, have been often troubled and vexed long time after they have respectively passed their Accounts, and obtained their Quietus est; and charged anew with Arreages, Debts, and Sums of Money, pretended to have been by them Lebyed or Received, and not by them formerly Accounted for, to the great discouragement of others to take upon them the said Office. His Most Excellent Majesty is therefore Graciously pleased that it may be Enacted,

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That all and every Sheriff or Sheriffs who already have passed their Accounts, and obtained their Quietus: And all and every Sheriff or Sheriffs who hereafter shall pass his or their Accounts, and have his or their Quietus est, that then and from thenceforth the said Sheriff and Sheriffs, his and their Heirs, Executors and Administrators, Lands, Tenements, Goods and Chatties, are and shall be absolutely Discharged of and from all manner of Sum or Sums of Money which he or they shall have so Lebyed or Received, and pretended not to be Accounted for within the said Account whereupon he or they had his or their Quietus est, unless such Sheriff or Sheriffs, their Executors or Administrators, have been or shall be called in Question for such Sum or Sums of Money to be Lebyed or Received, and not Accounted for within the space of Four Years after the time of such Account passed, and Quietus est obtained.

Sheriffs after a Quietus gotten to be absolutely discharged.

And that every Officer or Minister that shall send out, or cause to be sent out, any Writ or Process, or by whose default any Writ or Process shall be sent out, contrary

No Writ or Process to be

sent out after
a *Quierus*.

contrary to the Tenour of this Act, shall for every such Offence forfeit and Pay to the Party grieved, by such Writ or Process, the Sum of Forty Pounds, with his Costs and Damages, the said Sum of Forty Pounds: And the said Costs and Damages to be Recovered by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record at Dublin, at the Election of the Plaintiffs or Prosecutors, wherein no Priviledge, Protection, Escoyn or Wager of Law shall be allowed to the Defendant.

Penalty of
sending out
Process (after
a *Quierus*)
against a She-
riff.

And be it further Enacted by the Authority aforesaid, That every such Offender being three times Lawfully Convicted of any such Offence or Offences, contrary to the true meaning of this Act, shall from and after such their said Conviction, be utterly disabled to Hold or Execute by himself, his Depury or Deputies, any Office or Employment in any Court of Justice whatsoever.

And whereas divers Persons being in Commission of the Peace, have been made Sheriffs or Sub-Sheriffs of the same County where they were in such Commission, or being Sheriffs or Sub-Sheriffs, have been after put into the Commission of the Peace in the County where they were Sheriff or Sub-Sheriffs; and have Exercised both the said Offices at once in the same County, which is found to be Inconvenient. For Remedy whereof,

None to Ex-
ercise the Of-
fice of Justice
of the Peace
during the
time of his
being Sheriff
or Sub-She-
riff, the Pe-
nalty.

Be it Enacted by the Authority aforesaid, That no Person or Persons, Having, Using or Exercising the Office of Sheriff or Sub-Sheriff, of or in any County or Counties, shall Use or Exercise the Office of Justice of the Peace in the same County or Counties where he or they shall be Sheriff or Sub-Sheriff, during the time that he or they shall Use or Exercise the said Office of Sheriff or Sub-Sheriff: And that all and every Act and Acts to be done, from and after the End of this present Sessions of Parliament, as a Justice of the Peace, by any such Sheriff or Sub-Sheriff, during the time of his being Sheriff or Sub-Sheriff, shall be Void and of none Effect, and shall Lose and forfeit for every such Offence, the Sum of Twenty Pounds, one Moiety thereof to be to the Use of His Majesty, his Heirs and Successors; the other Moiety to him who shall sue for and Recover the same by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record at Dublin, wherein no Escoyn, Protection or Wager of Law, shall be allowed.

C H A P. XIV.

An Act Declaring which Days in the Year shall be Observed as Holy-Days.

Whereas many Idle Persons refuse to Work at their Lawful Calling and Labour on several Days in the Year, on pretence that the same is Dedicated to some Saint, or pretended Saint, Patron or pretended Patron, for whom they have, or pretend to have reverence or respect: And chuse rather to spend such Days in Idleness, Drunkenness and Vice, to the Scandal of Religion, rather then following and Working in their lawful Calling and usual Imployment, which hath been found by Experience to tend very much to the Impoverishing and Hindring the Improvement of this Kingdom. For Remedy whereof,

What Days
in the Year
shall be kept
Holy, and the
Penalty for
Labouring on
those Days.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That if any common Labourer, being Hired, or other Servant Retained, shall refuse to Work upon any other Day then the several Days hereafter mentioned, being thereunto required, upon the usual and accustomed Wages (that is to say) All Sundays in the Year. The Day of the feast of the Circumcision of our Lord JESUS Christ. Of the Epiphany. Of the Conversion of Saint Paul. Of the Purification of the Blessed Virgin. Of Saint Mathias the Apostle. Of the Annunciation of the Blessed Virgin. Of Saint Mark the Evangelist. Of Saint Philip and Jacob the Apostles. Of Saint Barnabas the Apostle. Of the Ascension of our Lord JESUS Christ. Of the Nativity of Saint John the Baptist. Of Saint Peter the Apostle. Of Saint James the Apostle. Of Saint Bartholomew the Apostle. Of Saint Matthew the Apostle. Of Saint Michael the Arch-Angel. Of Saint Luke the Evangelist. Of Saint Simon and Saint Jude the Apostles. Of All-Saints. Of Saint Andrew the Apostle. Of Saint Thomas the Apostle. Of the Nativity of our Lord. Of Saint Stephen the Martyr. Of Saint John the Evangelist. Of the Holy Innocents. Monday and Tuesday in Easter Week. Monday and Tuesday in Whitsun Week. The Twenty Third of October. Fifth of November. The Thirtieth Day of January, and Twenty Ninth Day of May, yearly. And that

that no other Day, except the Days aforesaid, and such other Days as on some extraordinary Occasions shall hereafter be set a-part, by Order of His Majesty, His Heirs and Successors, or the Chief Governor or Governors of this Kingdom, for the time being, shall be kept, or Commanded to be kept Holy, or to Abstain from Lawful Bodily Labour. Every such Person or Persons so refusing, being thereof Lawfully Convicted, by his or their own Confession, or by the Testimony of one or more sufficient Witnesses or Witnesses, upon Oath, before any Justice of the Peace, in any County, Mayor, or other chief Officer of any City, Borough, Town or Corporation, who shall have Power by Virtue of this Statute to Minister such Oaths where the Offence shall be committed, or the Party Offending apprehended, shall forfeit the Sum of Two Shillings, to be paid at such time, or to such Person as by the said Justice of the Peace, or other chief Officer aforesaid, shall be appointed, to be Disposed of to the Poor of the Parish where such Offence shall be committed. And if such Offender or Offenders shall neglect or refuse to pay the said Sums to be Assessed or appointed as aforesaid, then the said Justice of the Peace, or other Head Officer aforesaid, shall commit all and every such Offender or Offenders to some Constable, or other Inferior Officer of the County, City, Town or Corporation, where the said Offence shall be committed, or the Party apprehended, to be publickly Whipped; which Punishment shall be publickly Indicted and Executed upon such Offenders, within the space of Twenty Four Hours after such Order made.

And be it Enacted by the Authority aforesaid, That if any Constable or Inferior Officer aforesaid, do refuse, or do not at the Commandment of any Justice of the Peace, or other chief Officer of any County, City, Town or Corporation, Execute by himself, or by some other, to be by him procured, the Punishment aforesaid, upon all such Offenders; That in that Case it shall and may be Lawful for the said Justice of the Peace, and all and every other Justice or Justices of the Peace, or chief Officer of any such County, City, Town or Corporation, upon sufficient Information thereof, to Bind over such Constable or Inferior Town Officer, to the next General Quarter-Sessions of the Peace, or General Assizes, or Goal-Delivery, which shall first happen there, to be proceeded against for such his Contempt: And in Case he shall be found Guilty thereof, upon Examination of one or more Witnesses or Witnesses, he shall be Fined at the Discretion of the Court, so as such Fine for every such Offence, do not exceed the Sum of Twenty Shillings.

Forfeiture of Constables, &c. not Executing the punishment on Offenders.

Provided always, That no Justice of the Peace, or Head-Officer of any Town or Corporation, do Execute this Statute for any Offence done unto himself, or whereof complaint was not made within Ten Days after such refusal to Work as aforesaid: And all Justices of Assize and Goal-Delivery, are hereby required to give this Act in charge at every Assize or Goal-Delivery within the several Counties of their Circuits; and to Enquire of, Hear and Determine the Neglect of all Justices of the Peace, and others in the due Execution of this Statute.

None to Execute this Act in his own Case. This Act to be given in charge at every Assize.

CHAP. XV.

An Act for Granting a Supply to His Majesty, by Raising Money by a Poll, and otherwise.

CHAP. XVI.

An Act for Granting unto His Majesty, An Aid or Additional Custom on the several Goods and Merchandizes therein mentioned.

CHAP. XVII.

An Act for the better Observation of the *Lord's-Day*, commonly called *Sunday*.

For the better Observation and Keeping the Lord's-Day, commonly called Sunday,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That all and every Person and Persons whatsoever, shall on every Lord's-Day apply themselves to the Observation of the same, by Exercising themselves thereon, in the Duties of Piety and True Religion, publickly and privately: And that no Tradesman, Artificer,

Duties of Piety to be Exercised on the Lord's-Day.

Workman,

Workman, Labourer, or other Person whatsoever, shall do or Exercise any Worldly Labour, Business or Work, of their Ordinary Callings upon the Lord's Day, or any part thereof (Works of Necessity and Charity only excepted). And that every Person being of the Age of Fourteen Years or upwards, Offending in the Premises, shall for every such Offence forfeit the Sum of Five Shillings, And that no Person or Persons whatsoever, shall publicly Cry, Shew forth, or Expose to Sale any Wares, Merchandizes, Fruit, Herbs, Goods, or Chattles whatsoever, upon the Lord's Day, or any part thereof, upon pain that every Person so Offending, shall forfeit the same Goods so Cryed or Shewed forth, or Exposed to Sale.

What things
forbidden,
what persons
to Travel.

And it is further Enacted, That no Drover, Horse-Courser, Waggoner, Carrier, Butcher, Higler, their, or any of their Servants, shall Travel, or come in to his or their Inn, or Lodging upon the Lord's Day, or any part thereof, upon pain that each and every such Offender shall forfeit Twenty Shillings for such Offence: And for prevention of Disorders and Breaches of the Peace, which commonly happen in divers parts of the Kingdom, by reason of Tumultuous and Disorderly Pertings, which have been and frequently are used on the Lord's Day, commonly called Sunday, under pretence of Hurling, Commoning, Foot-Ball-Playing, Cudgels, Wrestling or other Sports.

Be it further Enacted by the Authority aforesaid, That no Person or Persons whatsoever, shall Play, Use or Exercise any Hurling, Commoning, Foot-Ball-Playing, Cudgels, Wrestling, or any other Games, Pastimes or Sports, on the Lord's Day, or any part thereof. And if any person or persons shall Offend therein, and be thereof Convicted in such manner as herein after Directed; every such person and persons, shall forfeit the Sum of Twelve Pence Sterl. for every such Offence, to be immediately paid to such Justice of the Peace, Officer or Officers, before whom such Conviction shall be. And that if any person Offending against this Act, or any thing therein contained, shall be thereof Convicted before any Justice of the Peace of the County, or of the chief Officer or Officers, or any Justice of the Peace, of, or within any City, Burrough or Town Corporate, where the said Offence shall be committed, upon his or their View or Confession of the Party, or proof of any one or more Witnesses, by Oath, which the said Justices, chief Officer or Officers, is by this Act Authorized to Administer: The said Justice, or chief Officer or Officers, shall give Warrant under his or their Hands and Seals, to the Constables or Church-Wardens of the Parish or Parishes where such Offence shall be committed, to Seize the said Goods, Cryed, Shewed forth, or put to Sale as aforesaid; and to Sell the same: And to Levy the said other Forfeitures or Penalties, by way of Distress and Sale of the Goods of every such Offender Distrained, rendering to the said Offender the Overplus of the Moneys raised thereby. And in default of such Distress, or in case of Insufficiency, or Inability of the said Offender, to pay the said forfeitures and Penalties, that then the Party Offending, be set publicly in the Stocks by the space of Two Hours; and all and singular the forfeitures or Penalties aforesaid, shall be employed and converted to the use of the Poor of the Parish, where the said Offences shall be committed. Saving only, that it shall and may be Lawful to and for any Justice, Mayor or Head Officer or Officers, out of the said forfeitures or Penalties, to reward any person or persons that shall Inform of any Offence against this Act, according to their Discretions; so as such Reward exceed not the third part of the forfeitures or Penalties.

The Penalty
for Offend-
ing.

Dressing of
Meat, and
Selling or
Crying Milk
or Fish ex-
cepted.

Provided that nothing in this Act contained, shall extend to the prohibiting of Dressing Meat in Families, or Dressing or Selling of Meat in Inns, Cooks-Shops, or Victualling-Houses, for such as otherwise cannot be provided: For the Crying or Selling of Milk or Fish before Ten of the Clock in the Morning, or after Four of the Clock in the Afternoon: For to the Using of Hackney-Coaches in or about the City of Dublin.

In what time
to be Prose-
cuted.

Provided also, That no person or persons shall be Impeached, Prosecuted or Molested, for any Offence before-mentioned in this Act, unless he or they be Prosecuted for the same, within Ten Days after the Offence committed.

Robberies not
to be answer-
ed by the
County.

Provided, and be it further Enacted by the Authority aforesaid, That if any person or persons whatsoever, which shall Travel on the Lord's Day, shall be there Robbed, that no Hundred, or the Inhabitants thereof, shall be Charged with, or answerable for any Robbery so committed; but the person or persons so Robbed, shall be Barred from bringing any Action for the said Robbery, any Law to the contrary notwithstanding.

Nevertheless

Notwithstanding the Inhabitants of the Counties, Hundreds or Baronies, after Notice of any such Robbery to them, or some of them given; or after Hue and Cry for the same to be brought, shall make, or cause to be made, fresh Sute and Pursuit after the Offenders, with Horse-men and Foot-men, according to the Statute made in the Tenth Year of the Reign of King Charles the First, upon pain of Forfeiting to the King's Majesty, His Heirs and Successors, as much Money as might have been recovered against the said Hundred or Barony, by the Party Robbed, as if this Law had not been made.

Hue and Cry to be raised on Information.

Provided also, and be it Enacted, That no person or persons upon the Lord's Day, commonly called Sunday, shall Serbe or Execute, or caused to be Serbed or Executed any Writ, Process, Warrant, Order, Judgment or Decree (except in Cases of Treason, Felony, or Breach of the Peace) but that the Service of every such Writ, Process, Warrant, Order, Judgment or Decree, shall be Void to all intents and purposes whatsoever; and the person and persons so Serbing or Executing the same, shall be as lyable to the Suit of the party grieved, and to answer Damage to him for doing thereof, as if he or they had done the same without any Writ, Process, Warrant, Order, Judgment or Decree at all. And for the better preventing Drinking and Intemperance on the Lord's Day, commonly called Sunday,

None to serve any Process, Warrant or Writ, &c. on the Lord's Day.

Be it also Enacted by the Authority aforesaid, That no Keeper of any Tavern, Ale-House or publick Victualling-House, shall Receive, Entertain, or permit to Remain in his House, any person or persons during the time of Divine Service, except those who are of their own family, or Lodgers in the said House; or furnish them with Wine, Ale, Beer, or other Liquor of any sort, upon the Penalty of Forfeiting of Ten Shillings for every such Offence, to be paid by every such Keeper of Taverns, Ale-Houses, or publick Victualling-Houses; and also of the Sum of five Shillings to be forfeited by every such person or persons, who shall Enter or remain in such Taverns, Ale-Houses, or Victualling-Houses, contrary to this Act.

No Tavern or Ale house, or publick Victualling-House to entertain any one in time of Divine Service, and the penalty for offending.

And for the better Execution thereof, all Constables and Church-Wardens of Parishes, within the several Cities, and Towns Corporate within this Realm, are Commanded and Required frequently, and as often as they have reasonable cause so to do, to Enter into all Taverns, Ale-Houses and Victualling-Houses, within their Parishes or Districts, where they shall reasonably suspect any person to be and remain, contrary to the intent of this present Act: And to apprehend such persons as they shall find or reasonably suspect to be Offenders against the same: And also the Master or Keeper of such House where such Offenders shall be apprehended; and them in Custody to carry before the next, or some other Justice of the Peace near the place where such persons shall be apprehended; which Justice or Justices of the Peace, are hereby Impowered to Examine Witnesses upon Oath, touching the Breach of this Law: And after Examination, to proceed to a Conviction or Acquittal of the persons accused, which shall be final to all parties. And if such Justice or Justices of the Peace shall upon proof Convict the persons accused to have offended against this Law, the said Justice of Peace shall forthwith Demand from such Offenders, the Penalties on them intended to be Imposed by this Act, and to receive the same; and in default of Payment, to commit the Offender to the Goal of the said County, till he shall have made Payment of the same; which Sum so Paid and Received shall be applyed to the use of the Poor of the respective Parishes, where such offences have been or shall be committed.

The duty and power of Constables and Church-Wardens.

Provided nothing herein contained, shall extend to Persons who have been in any Inns before the Lord's Day, commonly called Sunday, and design to abide there on Sunday: But it shall and may be Lawful for such persons to continue and remain in such Inns and publick Houses, as if this Act had never been made.

To what persons this Act shall not extend.

Provided always, That this Act shall commence and take effect on the first Day of November, in the Year of our Lord, One thousand six hundred ninety five, and not before.

CHAP. XVIII.

An Act for taking special Bails in the Country upon Actions and Suits depending in the Courts of King's-Bench, Common-Pleas, and Exchequer, at Dublin.

For the greater Ease and Benefit of all Persons whatsoever, in taking the Recognizances of special Bail, upon all Actions and Suits depending, or to be depending, in any the Courts of King's-Bench, Common-Pleas, or Exchequer, at Dublin.

Who may
grant Com-
missions.

Who may be
made Com-
missioners to
take Bail in
the Country.

The Fee for a
Commission.

The Fee for
taking Bail.

The Judges
and Barons to
make Orders
herein.

Any Judge in
his Circuit
may take
Bail.

Felony for
any person to
Represent
and be Bail in
any others
Name.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the Chief Justice, and other the Justices of the Court of King's-Bench, for the time being, or any two of them, whereof the Chief Justice for the time being, to be one for the said Court of King's-Bench, and the Chief Justice of the Court of Common-Pleas; and other the Justices there for the time being, or any two of them, whereof the Chief Justice of the same Court to be one for the said Court of Common-Pleas; and also the Chief Baron and Barons of the Court of Exchequer, for the time being, or any two of them, whereof the Chief Baron for the time being, to be one for the said Court of Exchequer, may, and are required by one or more Commission or Commissions, according to the largeness of the several Counties, under the several Seals of the said respective Courts from time to time as need shall require, Impower such and so many persons, other then common Attorneys and Solicitors, as shall be fit and necessary in all and every the several Counties within the Kingdom of Ireland, to take and receive all and every such Recognizance and Recognizances of Bail or Bails, as any person or persons shall be willing or desirous to acknowledge, or make before any of the persons so Impowered, in any Action or Suit depending, or hereafter to be depending in the said respective Courts, or any of them, in such Manner and Form, and by such Bail Piece as the Justices and Barons of the said respective Courts have used to take the same; For each of which Commissions there shall be paid Thirteen Shillings and Four Pence, and no more: Which said Recognizance or Recognizances of Bail, or Bail Piece so taken as aforesaid, shall be Transmitted to some or one of the Justices or Barons of the said respective Courts where such Action or Suit shall be depending: And upon Affidavit made of the due taking of the Recognizance of such Bail Piece, by some Credible Person present at the taking thereof, such Chief Justice or Chief Baron, Justice or Baron shall receive the same upon payment of such Fees as have been usually received for the taking of special Bails by the Justices and Barons Clerks, and other the Officers of the said respective Courts: Which Recognizance of Bail, or Bail Piece so Taken and Transmitted shall be of the like Effect, as if the same were taken De bene Esse, before any of the said Justices and Barons. For the taking of every which Recognizance or Recognizances of Bail, or Bail Piece, the person or persons so Impowered shall Receive only the Sum or Fee of Two Shillings, and no more.

And be it further Enacted by the Authority aforesaid, That the Justices and Barons respectively in the several Courts, shall make such Rules and Orders for the Justifying of such Bails, and making the same absolute as to them shall seem meet; so as the Cognizor or Cognizors of such Bail or Bails be not compelled to appear in person in any of the said Courts to Justify him or themselves; but the same may, and is hereby directed to be Determined by Affidavit or Affidavits duly taken before the said Commissioners, who are hereby Impowered and Required to take the same: And also to Examine the Sureties upon Oath touching the Value of their respective Estates, unless the Cognizor or Cognizors of such Bail do Live within the City of Dublin, or within Ten Miles thereof.

And be it further Enacted by the Authority aforesaid, That any Judge of Assize in his Circuit, shall, and may take and receive all and every such Recognizance and Recognizances of Bail or Bails, as any person shall be willing and desirous to make and acknowledge before him; which being Transmitted in like manner as aforesaid, shall without Oath be received in manner as aforesaid, upon payment of the usual Fees.

And be it further Enacted by the Authority aforesaid, That any person or persons who shall before any person or persons Impowered, by Virtue of this Act, as aforesaid, to take Bail or Bails, Represent or Personate any other person or persons whereby the person or persons so Represented and Personated, may be liable to the payment of any Sum or Sums of Money, for Debt or Damages, to be Recovered in the same Suit or Action wherein such person or persons are Represented and Personated, as if they had really Acknowledged and Entered into the same, being Lawfully Convicted thereof, shall be Adjudged, Esteemed and Taken to be Felons, and suffer the Pains of Death; and Incur such Forfeitures and Penalties as Felons, in other Cases Convicted or Attainted, do by the Law of this Realm Lose and Forfeit.

C H A P. XIX.

An Act for Granting Tales on Tryal, to be had in the Court of the County Palatine of *Tipperary*, before the Seneschal.

Whereas it has been found by Experience, That the Non-Appearance of Jurors hath been a great delay to the doing Justice, and by consequence very prejudicial to His Majesty's Subjects. For the Remedy whereof, in Cases to be Tryed by *Nisi prius*, a good Law hath been Enacted in this Kingdom in the Tenth Year of the Reign of Charles the first, late King of England, &c. and Intituled, An Act concerning the Appearance of Jurors in the *Nisi prius*. And whereas all Tryals in the County Palatine Court of *Tipperary*, are had at the Bar of the said Court, and can only be Tryed by Jurors Returned in the Venire, which hath been found to be very Grievous to all such persons as have right to Demand or Recover any Lands, Tenements or Hereditaments, or other thing whatsoever within the said County Palatine. For Remedy whereof,

Be it Enacted by the King's Most Excellent Majesty, with the Assent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That on all Tryals hereafter to be had in any Cause whatsoever in the said Court of the said County Palatine, to be Held before the Seneschal thereof, upon the Jurors Non-appearance, it shall and may be Lawful for either Party, Plaintiff or Defendant, to demand a Tales de Circumstantibus, which shall be granted by the Court, and Returned by the proper Officer and Officers in such Manner and Form: And to such effect and purpose as by the said Statute, made in the Tenth Year of the Reign of the late King Charles the first, Intituled, An Act concerning the Appearance of Jurors in the *Nisi prius*, is provided upon Tryals of *Nisi prius*: And that all Tryals so had, shall for ever hereafter be Adjudged, Construed, and taken to be valid and sufficient in Law, notwithstanding any Exception that may or shall be taken, by reason such Tryal or Tryals was or were had by person or persons Returned upon the Tales, as aforesaid.

Tales de circumstantibus grantable there in Tryals before the Seneschal.

C H A P. XX.

An Act concerning Fines in the County Palatine of *Tipperary*.

Whereas it is for the common Good and Advantage of the Publick, that the Estates of Purchasers for Valuable Considerations should be Secured unto them, towards which nothing has conduced more then Fines Levied in due Form of Law. And whereas some doubt may arise concerning the Validity of Fines Levied in the County Palatine Court of *Tipperary*, according to the Custom and Usage thereof, whereby the Estates of several of His Majesty's Subjects who have been, and may hereafter be, Purchasers of Lands, Tenements and Hereditaments, being within the Jurisdiction of the said Palatinate, may to their great prejudice be called in Question. For Remedy whereof,

Be it Enacted by Your Most Excellent Majesty, by and with the Assent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That all and singular the Fines heretofore Levied in the Court of the said County Palatine, shall be of the same Force and Efficacy in Law, as Fines with Proclamations Levied before His Majesty's Justices of the Common-Pleas in this Kingdom, and that all and singular Fines, which at any time hereafter shall be Levied or acknowledged in any Term before the Judge or Judges in the said County Palatine of *Tipperary*, for the time being, of any Lands, Tenements, or other Hereditaments, lying, or being within the said County Palatine, which shall be openly Read and Proclaimed in the open Court, in the presence of the Judge or Judges, in the Term held for the said Palatinate, being the same Term that the same shall fortune to be Ingrossed; And also, that shall be openly Read and Proclaimed in the presence of the Judge or Judges of the said County Palatine of *Tipperary*, or one of them for the time being, at Two Terms that shall be holden in the said County Palatine of *Tipperary*, before the Judge or Judges of the same, or one of them next after the Levying and Ingrossing of such said Fine, shall be of like, and of the same Force, Strength and Effect in the Law, to all Intents, Construtions and Purposes, as Fines being duly Levied

A Clause concerning Fines Levied in that Court.

with

with Proclamations before the King's Judges of His Common-Pleas at Dublin, be, or ought to be.

C H A P. XXI.

An Act for the better Suppressing Tories, Robbers and Rapparees ; and for preventing Robberies, Burglaries, and other Heinous Crimes.

FOrasmuch as by the late Rebellion in this Kingdom, a great part thereof hath been left Waste and Desolate ; and the frequent Robberies, Murders and other Notorious Felonies committed by Robbers, Rapparees and Tories, upon their keeping, hath greatly Discouraged the Re-planting of this Kingdom, the Papist Inhabitants thereof chusing rather to suffer Strangers to be Robbed and Despoiled of their Goods, then to Apprehend or Conbit the Offenders, of whom the greatest part are People of the same Country ; and Countenanced, Harboured and Concealed by the Inhabitants thereof. For the Remedy of which Mischiefs, and for the better Encouragement of Strangers to Plant and Inhabit this Your Majesty's Kingdom of Ireland, and for the General preservation of Peace and Property of Your Majesty's Good Subjects therein,

The Country
to make sa-
tisfaction
for Robberies
and Burgla-
ries, &c.

After what
manner.

May it please Your Majesty, that it may be Enacted ; And be it Enacted by the King's Most Excellent Majesty, by and with the Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the Inhabitants of every Barony or County, within this Kingdom, shall make full satisfaction and amends for all Robberies, Burglaries, Burning of Houses, or Haggards of Corn, Killing or Maiming of Cattle, which shall be committed or done by Robbers, Rapparees or Tories, within such Barony or County, from and after the Royal Assent given to this Bill, in Manner and Form following (that is to say) where all or any of the Facts shall be committed or done by Rapparees, Robbers or Tories, as aforesaid, that are or shall be Papists, or reputed of the Popish Religion, the Popish Inhabitants of the Barony or County wherein all or any of the said Facts shall be committed, shall make satisfaction and amends for the same : And where all or any of the said Facts shall be committed or done by Robbers, Rapparees or Tories, as aforesaid, that are or shall be Protestants, or reputed to be of the Protestant Religion, the Protestant Inhabitants of the Barony or County, wherein all or any of the said Facts shall be committed, shall make satisfaction and amends for the same. And if it shall happen, that all or any of the said Facts be committed or done by Popish and Protestant Robbers, Rapparees or Tories, as aforesaid, then and in such Case, the Popish and Protestant Inhabitants of the Barony or County wherein such Facts shall be committed or done, shall make satisfaction and amends for the same ; and in such proportion, and according to the number of such Papists and Protestants, as shall commit the same (that is to say) if two Papists and one Protestant, the Papist Inhabitants to pay two Shares, and the Protestants the remaining third part of the said Damages ; and so Prorata, in case of a greater or lesser number. And if all or any of the said Facts be committed or done in the Division, or Hearing of Two Baronies or Two Counties, so as it shall be uncertain in which County or Barony the Fact or Facts were committed ; then, and in such Case, the Inhabitants of the both Baronies, or both Counties, shall make satisfaction and amends for the same, in such manner and under such distinction as is hereby declared.

In what Case
the Barony
only shall
make Restri-
ction.

And be it further Enacted by the Authority aforesaid, That in all Cases where the Damages do not exceed the Sum of Ten Pounds Sterling, the Inhabitants of the Barony and Franchizes within the Precincts thereof, wherein all or any of the said Facts shall be committed, and not the County at large, shall make satisfaction and amends for the same, in such manner, and with such distinction as aforesaid ; and in all Cases where the Damages do exceed the Sum of Ten Pounds Sterl. the Inhabitants of the County, wherein all or any of the said Facts shall be committed, shall make satisfaction and amends for the same, in the manner and with the distinction aforesaid : And that the Jury that shall Try any Action committed or prosecuted on this Act, shall in their Verdict ascertain the person or persons that commit such Robbery, Burning of Houses or Haggards of Corn, Killing or Maiming of Cattle, whether they were Papist or Protestants, and the number of the one and the other, as also the Damages according to the Evidence that shall be on the Tryal offered to them.

And

And be it further Enacted by the Authority aforesaid, That every person and persons, so as aforesaid, Robbed and Damned, may be hereby Enabled to Sue for and Recover his or their Damages against any Inhabitant of the said County or Barony, who by this Act shall be made liable to Answer any part thereof; and that immediately after such Recovery and Execution against the said Inhabitants, all other the Inhabitants of the said Barony or County, who by this Act shall be made liable to all or any part of the said Damages, shall be Ratably and Proportionably Taxed, for and towards an equal Contribution for the Relief of such Inhabitant against whom the said Recovery and Execution is had; which Tax shall be Made, Levied and Raised by such Ways and Means, and in such Manner and Form as is prescribed and mentioned in a former Statute, Intituled, An Act for the following of Hue and Cry, made in the Tenth and Eleventh Years of the Reign of King Charles the First in this Kingdom.

The method to be taken to Sue for the loss of those against whom the Action is to reimburse them.

And be it further Enacted by the Authority aforesaid, That no person or persons shall recover any Damages by Virtue of this Act, unless he or they by themselves, or by their Servants, within Twenty Four Hours after such Robbery or Injury done him or them by any Robbers, Coxies or Rapparees, or within reasonable time after he shall be at Liberty, shall give Notice of such Robbery or Mischief done and committed, unto some of the Inhabitants of some Town, Village or Hamlet, near unto the place where any such Fact shall be committed, and shall within Four Days after such Notice, give in his, her, or their Examination upon Oath, or of their Servant or Servants that were in his, or their House, or that had the care of his Corn, Stock or Goods, before some Justice of the Peace of the County where such Fact shall be committed, Inhabiting within the Barony where the said Fact shall hereafter happen to be committed, or near unto the same, whether he or they do know the person or persons that committed such Fact, or any of them, and if upon such Examination it be Confessed, that he or they do know the person or persons that committed the said Fact, or any of them, that then he or they so Confessing, shall be Bound by Recognizances to Prosecute such Offender or Offenders by Indictment, or otherwise, according to the Laws of this Kingdom.

In what time notice to be given after the Fact committed, and after what manner.

And moreover, be it Enacted by the Authority aforesaid, That before any Action shall be Commented or Prosecuted on this Act, for recovery of Damages for any Losses sustained, by reason of any Robbery, Burning of Houses, or Corn, or Destruction of Cattle, contrary to the Tenour of this Act, the person or persons so Injured, shall obtain or procure a Presentment to be made at the next Assizes or Quarter-Sessions, to be held after such Robbery, Injury or Fact committed, by the Grand-Jury of the County where such Fact shall be committed, wherein Notice shall be taken of such Robbery, or other Injuries or Mischiefs, and of the Losses sustained, the number of the Offenders, and how many of them are Papists, or reputed such, and how many Protestants, or reputed such; as also of the Barony or Baronies and County where such Fact was committed; with the Names of the Offenders: But in Case where the person or persons Robbed, Burnt or Injured, or their Servant or Servants do not know the Names of all or any of the Offenders, and shall Declare so on their Oath openly in Court, being Examined to the said particulars, the said Grand-Jury in such Presentment, to give the best Description they can on the Evidence produced before them of such Malefactors, to the End they may be brought the speedier to Justice: Which Presentment shall be given in Evidence by the person and persons that shall obtain the same, on any Tryal for Damages for his Losses sustained, according to the purport of this Act.

What is to be done before an Action can be brought by the parties Robbed to recover their damages.

And for the better Suppressing Robbers, Coxies and Rapparees, that have so much of late Disturbed the Peace and Settlement of this Kingdom,

Be it Enacted by the Authority aforesaid, That if any person or persons shall be at any time hereafter presented at the Assizes or Quarter-Sessions by the Grand-Jury, as a Coxie, Rapparee or Robber out on his keeping, and such Presentment being returned to the Clerk of the Council, the person and persons in such Presentment named, shall by Proclamation from the Lord Deputy, or other Chief Governor or Governors and Council of this Kingdom be Proclaimed; and in case such person or persons so Proclaimed, do not within the time to be limited by such Proclamation, render him or themselves to some one or more Justices of the Peace of the County, where such Presentment shall be made, he and they so Presented and Proclaimed, shall from thenceforth be Convict of High-Treason, and suffer accordingly. And that all and every person and persons Concealing, Aiding, Abetting and Succouring such person and persons so Presented and Proclaimed, knowing-

Persons Presented and Proclaimed, and not Rendering themselves Guilty of High-Treason, and their Corcealers, Aiders, &c. of Felony.

Any Taking,
Convicting
or Killing a
Tory, how to
be rewarded.

Not above
Twenty
Pound to be
paid for one
Tory, and
how the Mo-
ney is to be
Applotted,
Gathered and
Paid.

ly, from and after the time so limited by such Proclamation, shall be Guilty of Felony without Clergy, and Suffer as Felons Convict of Felony, without Clergy. And for the better Encouragement of such persons as shall Take and Convict, or Kill any Robber, Rapparee or Tory in Arms, and upon his keeping, Indicted, Proclaimed or Presented, as aforesaid, the Justices of Assize in their Circuit, and the Justices of Peace in their Quarter-Sessions respectively, with the Assent of the Grand-Jury, shall have Power and Authority to Tax and Sell every Inhabitant in any County, Barony, City, Borough, Town or Parish within the Limits of their Commissions and Authorities, to such reasonable Aid or Sum of Money as they shall think fit in their Discretion, convenient and sufficient for Encouraging and Rewarding such person or persons, as shall Take and Convict, or Kill any Robber, Rapparee or Tory in Arms, and upon his keeping.

Provided such Sums do not exceed Twenty Pounds for any one Tory, which said Sum or Sums of Money so to be Raised, shall be Applotted and Apportioned by the said Grand-Jury, and Levied by such Collectors as they shall appoint, who shall have Power and Authority to Receive the said Sums of Money, and to Distrain every such Inhabitant as shall be Taxed and refuse Payment thereof; and to Sell such Distress, and deliver the Money Taxed to such person or persons as shall Take or Kill such Robber, Rapparee or Tory; and the Residue, if the Distress be better, to deliver to the Owner thereof, This Act to continue and be in Force for Three Years from the Royal Assent being given thereto; and to the End of the first Session of the next Parliament after the said Three Years, and no longer.

C H A P. XXII.

An Act for the more speedy and effectual Proceeding upon Distresses and Avowries for Rent.

Forasmuch as the Ordinary Remedy for Arrearages of Rents is by Distress upon the Lands chargeable therewith; and yet nevertheless by reason of the Intricate and Dillatory Proceedings upon Replevin, that Remedy is become Ineffectual. For Remedy whereof,

Who shall be
the Apprai-
sors.

Be it Enacted by the King's Most Excellent Majesty, with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That whenever any Plaintiff in Replevin shall be Non-Suit before Issue Joined in any Suit in Replevin, by Plaint or Writ Lawfully Returned, Removed or Depending in any of His Majesty's Courts at Dublin, or any Courts Palatine, or other Courts of Record within this Kingdom, that the Defendant Avowant making a Suggestion in Nature of an Avowry or Connuance for such Rent, to Ascertain the Court of the cause of Distress, the Court upon his Prayer shall Award a Writ to the Sheriff of the County where the Distress was taken, to Inquire by the Oaths of Twelve good and lawful Men of the County, touching the Sum in Arrear at the time of such Distress taken, and the Value of the Goods or Cattle Distrained, and thereupon Notice of Fifteen Days shall be given to the Plaintiff or his Attorney in Court of the Sitting of such Inquiry, and thereupon the Sheriff shall Inquire of the Truth of the matter contained in such Writ, by the Oaths of Twelve good and lawful Men of his County; and upon the Return of such Inquisition, the Defendant shall have Judgment to Recover against the Plaintiff the Arrearages of such Rent, in case the Goods or Cattle Distrained shall amount unto the Value; and in case they shall not amount to that Value, then so much as the Value of the said Goods and Cattle so Distrained shall amount unto, together with his full Costs of Suit, and shall have Execution thereupon by Fieri facias, or Elegit, or otherwise, as the Law shall require: And in case such Plaintiff shall be Non-Suit after Connuance or Avowry made, and Issue Joined, or if the Verdict shall be given against such Plaintiff, then the Jurors that are Impannelled or Returned to Inquire of such Issue, shall at the Prayer of the Defendant inquire concerning the Sum of the Arrears, and the Value of the Goods or Cattle Distrained; and thereupon the Avowant, or he that makes Cognizance shall have Judgment for such Arrearages, or so much thereof as the Goods and Cattle Distrained amount unto, together with full Costs; and shall have Execution for the same by Fieri facias, or Elegit, or otherwise, as the Law shall require.

And

And be it further Enacted by the Authority aforesaid, That if Judgment in any of the Courts aforesaid, be given upon Demurrer for the Abowant, or him that makes Cognizance for any Rent, the Court shall at the Prayer of the Defendant Award a Writ to Inquire of the Value of such Distress, and upon the Return thereof, Judgment shall be given for the Abowant, or him that makes Cognizance, as aforesaid; For the Arrears alledged to be behind in such Abowant or Cognizance of the Goods or Cattle so Distrained shall amount to the Value; and in case they shall not amount to that Value, then for so much as the said Goods or Cattle so Distrained amount unto, together with his full Costs of Suit, and shall have like Execution aforesaid.

Provided always and be it Enacted, That in all Cases aforesaid, where the Value of the Cattle Distrained, as aforesaid, shall not be found to be to the Value of the Arrears Distrained for, that the Party to whom such Arrears were Due, his Executors or Administrators, may from time to time Distrain again for the Residue of the said Arrears.

If the Distress taken at first be not sufficient, the party may Distrain again.

And whereas no Sheaves or Cocks of Corn, Wols or in the Straw, or Hay in any Barn or Granary, or in any Hovel, Stack or Rick, can by the Law be Distrained, or otherwise Secured for Rent, whereby Landlords are oftentimes deceived by their Tenants, who sell their Corn, Grain and Hay to Strangers, and Remove the same from the Premises chargeable with such Rent, and thereby avoid the Payment of the same.

Be it further Enacted by the Authority aforesaid, That for Remedying the said Practice and Deceit, it shall and may from henceforth be Lawful to and for any person or persons, having Rent Arrear and Due upon any Demise, Lease or Contract, to Seize and Secure any Sheaves or Cocks of Corn, or Corn Wols, or in the Straw or Hay, lying or being in any Barn or Granary, or upon any Hovel, Stack or Rick, or otherwise upon any part of the Land or Ground charged with such Rent, and to Lock up, or Distrain the same in the place where the same shall be found, for, or in the Nature of a Distress, until the same shall be Replevied upon good Security to be given to the Sheriff, as aforesaid. And in case such Distress shall not be Replevied or Owned within the space of Eight Days next after the taking thereof, then the same to be Appraised and Sold according to the Laws and Customs of this Kingdom.

What things may be Distrained for Rent in Arrears, and what method to be observed in and about the same.

Provided nevertheless, That such Corn, Grain or Hay so Distrained, as aforesaid, be not Removed by the person or persons Distraining to the Damage of the Owner thereof, out of the place where the same shall be found and Seized, but be kept there as Impounded, until the same shall be Replevied or Sold, as aforesaid. And in case any Replevin shall be brought for such Sheaf or Sheaves of Corn or Grain, or Hay, if the Plaintiff in such Replevin shall be Non-Suit, either before or after Appearance, or a Verdict pass against him, or Judgment be given against him upon Demurrer, as aforesaid, in all such cases, such Proceedings to be by Inquisition or Fining of the Jury at the Bar upon like Suggestion to be made in the Connuzance or Abowant, and like Execution in such cases to be Awarded.

And be it further Enacted by the Authority aforesaid, That upon any Pound-Breach, or Rescue of Goods and Cattles Distrained for Rent, the person or persons grieved thereby, shall in a special Action upon the Case, for the Wrong thereby sustained, recover his and their treble Damages and Costs of Suit against the Offender or Offenders, in any such Rescue or Pound-Breach, any or either of them, or against the Owners of the Goods Distrained, in case the same be afterwards found to have come to his use or possession.

CHAP. XXIII.

An Act for continuing the Statute for An Additional Excise upon Beer, Ale, and other Liquors.

CHAP. XXIV.

An Act for the better Regulating of Measures in and throughout this Kingdom.

For prevention of the many and great Inconveniencies and Discouragements to Trade in this Kingdom, which proceed from the want of one certain and known Measure, for all sorts of Grain to be Measured and Sold by, in and throughout this Kingdom.

One and the same Measure throughout this Kingdom, and the Contents thereof.

Be it therefore Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That one and the same Measure shall be used in and throughout this Kingdom, and every part thereof: And that the Measures and Measures to be hereafter used in this Kingdom, shall be and contain as herein after is mentioned and appointed, and no other-wise (that is to say) The Measure called the Peck, shall be and contain Two Gallons, and no more. The Measure called the Bushel, shall be and contain Eight Gallons, and no more. The Measure called the Half-Barrel, shall be and contain Sixteen Gallons, and no more. And the Barrel shall be and contain Thirty Two Gallons, and no more. The said Gallon to contain Two Hundred Seventy Two Cubical Inches, and one fourth part of a Cubical Inch, according to the Gallon mentioned and appointed in and by one Act of Parliament Made and Enacted in this Kingdom, in the Twelfth Year of the Reign of the Late Queen Elizabeth, of Blessed Memory.

The Kings Standard for Measures how to be marked, where to be kept, and in what custody.

And be it also Enacted, That there shall be forthwith provided at His Majesty's charge, one Barrel, one Half-Barrel, one Bushel, one Peck and one Gallon, according to the above said Measure; which said Barrel, Half-Barrel, Bushel, Peck, and Gallon, shall be the Standards for the Measures in and throughout this Kingdom of Ireland: And that the said Standards being Marked with the Crown and Letters of His Majesty's Name, shall be placed, and safely kept in His Majesty's Exchequer of this Kingdom, in the custody of the Lord-Treasurer of this Realm, or of the Vice-Treasurer, his Deputy or Deputies for the time being.

Standard Measures to be provided in every County, Town, City, Liberty, Franchise and Market-Town, and at whose charge, and who to have the custody of them.

And be it further Enacted, That in every County, Town, City, Liberty, Franchise and Market-Town within this Realm, shall be placed and kept at the proper costs and charges of each County, City, Liberty, Franchise and Market-Town respectively, in the custody of the Sheriff of such County, and of the Mayor, Bayliff, Sovereign, Senechal or Steward of any Liberty, or Manor, or other chief Magistrate residing in such City or Market-Town, one Barrel, one Half-Barrel, one Bushel, one Peck and one Gallon, according to the above Measures; which said Barrel, Half-Barrel, Bushel, Peck and Gallon, shall be first Measured by the said Standards in the Exchequer, and shall be severally Sealed, Banded or Marked on the Edge or Rim, with the Crown and Letters of His Majesty's Name, and with such other Mark as the Lord High Treasurer of this Kingdom, or the Vice-Treasurer, his Deputy or Deputies, for the time being, shall think fit, and that for the Measuring, Banding and Marking of each such Measures, the Sum of Six pence, and no more, shall be paid to the said Lord High-Treasurer or the Vice-Treasurer, his Deputy or Deputies, for the time being, by the person or persons who shall bring the said Measures to be Measured, Banded or Marked; which said Barrels, Half-Barrels, Bushels, Pecks and Gallons, in the custody of the said Sheriffs, Mayors, Bayliffs, Sovereigns, Senechals or Stewards, of any Liberty or Manor, or other Head Officers, being Measured or Marked by the said Lord High-Treasurer or the Vice-Treasurer, his Deputy or Deputies, for the time being, shall be and remain the Standards for such County, City, Liberty or Franchise, or Market-Town, respectively.

The Office and Duty of those that have the custody of the Measures, and their Fee for trying and approving Measures.

And be it further Enacted, That the said Sheriffs, Mayors, Bayliffs, Sovereigns, Senechals or Steward, of any Liberty, or Manor, and other Officers in whose custody such Standards are hereby appointed to remain, shall have full power to measure and compare all such Barrels, Half-Barrels, Bushels, Pecks and Gallons, as shall be brought or offered to them, or any of them, to be Measured or Marked; And if upon Measuring the same, they or any of them shall find the said Measure so brought or offered, respectively, to be agreeable to, and to contain equal quantities with the said Measures Marked by the said Lord High-Treasurer or Vice-Treasurer, his said Deputy or Deputies, for the time being, that then the said Sheriffs, Mayors, Bayliffs, Sovereign, Senechal, Steward, or other chief Officers, or any of them, shall Mark or Band the said Measures so brought to them, on the Rim or Edge of them respectively, with the Crown and Letters of His Majesty's Name; and also with a Mark or Band to be appointed by each County, City, Liberty or Franchise, or Market-Town respectively: And that for the Measuring and Marking of each such Measure, shall be paid by the person or persons bringing or offering the said Measure or Measures to be Sealed or Marked, the Sum of Six pence, and no more.

And

And be it further Enacted by the Authority aforesaid, That from and after the Twenty Sixth Day of March, which will be in the Year of our Lord, One thousand six hundred ninety six, no Measures shall be used for Measuring any sort of Grain in this Kingdom, or in any part thereof, but such as shall be first measured and compared by the said Standards in the Exchequer, or by one of the said Standards remaining in the custody of such as hereby are appointed to have the custody of them in the respective Counties, Cities, Liberties, Franchises, and Market-Towns within this Kingdom, and shall be Branded and Marked, as aforesaid: And that whosoever after the said Twenty Sixth Day of March next, shall Sell or Measure any sort of Grain, Corn, Mault or Oat-Meal, in any place or places whatsoever within this Kingdom, by any Measure or Measures containing any greater or lesser quantity then as aforesaid, or by any Barrel, Half-Barrel, Bushel, Peck or Gallon, which hath not been Measured by, and is not of equal content with the said Standard in the Exchequer, or by, and with the said Standards remaining in the said Counties, Towns, Cities, Liberties, Franchises or Market-Towns, or some of them, or that hath not been Marked, as aforesaid, by some one in whose custody the said Standards are by this Act appointed to remain, shall forfeit for every such Offence the Sum of Ten Pounds, whereof the one Proerty shall be to the Poor of the Parish where such Offence is or shall be committed, and the other Proerty to the Informer, and that upon Information given upon Oath, or otherwise, to any Justice of the Peace of any County, Mayor, Bayliff, Sovereign, or other chief Magistrate, of any City, Liberty, or Franchise, or Town Corporate, the said Seneschal, Justice of the Peace, Franchise, Mayors, Bayliffs, Sovereign, Seneschal, aforesaid, or other chief Magistrate to whom such Information is given, shall immediately Issue his Warrant, requiring the party or parties complained of to appear before him; And if upon Examination it shall appear by the Oath or Oaths of one or more credible Witnesses to the said Justice of Peace, Mayor, Bayliff, Sovereign, Seneschal, aforesaid, or other chief Magistrate; that the said party so complained of, hath Sold, Delivered or Received any sort of Corn, Grain, Mault, or Oat-Meal, by any Barrel, Half-Barrel, or other Measure not Marked, Sealed or Branded by the Sheriff, Mayor, Sovereign, Seneschal, or some other person who hereby have power, and are appointed to Mark, Seal or Brand the same, that then the said Justice, Mayor, Bayliff, Sovereign, or other chief Magistrate within his and their respective Precincts, shall Issue a Warrant to the Constable of the Parish where such Offender Resides, requiring him to Levy by Distress and Sale of the Goods of the person so Offending, the said Sum of Ten Pounds, whereof the one Proerty shall be given to the Poor of the Parish, as aforesaid, where such Offender doth Reside, and the other Proerty to the said Informer.

The Forfeiture of using any other Measures.

And be it further Enacted by the Authority aforesaid, That if any person who hereby hath power to Measure and Mark any Barrel, Half-Barrel, or other Measure brought to him, shall Mark, Seal, Brand, or allow any Barrel, Half-Barrel, or any other Measure which shall or doth contain more or less, respectively, then the said Standards remaining in his custody, the said person so doing shall forfeit for every such Barrel, Half-Barrel, or other Measure so Sealed, Marked, Branded or allowed by him, the Sum of Fifty Pounds; the one Proerty to the King, and the other Proerty to the use of him that will sue for the same, to be recovered by Action, Suit, Bill or Plaint, in any of His Majesty's Courts of Record at Dublin, wherein no Essoyne, Protection or Wager of Law shall be allowed, nor any more than one Imparllance.

The Forfeiture of allowing any Measure not agreeing with the Standard.

And be it likewise Enacted, That every Barrel, Half-Barrel, and other Measure whatsoever of any sort of Corn, Grain, Mault or Oat-Meal, shall be Sold, Delivered and Received, Stricked without Heaps, and without pressing, or Shaking down: And not in any other manner, upon pain of the Forfeiture of Five Pounds to him that will sue for the same, to be recovered by Action, Suit, Bill or Plaint, in any of His Majesty's Courts at Dublin, wherein no Essoyne, Protection or Wager of Law shall be allowed, or any more than one Imparllance.

Corn, Grain; Mault and Oat-Meal, how to be Sold, Delivered and Received, the Forfeiture to be paid by the Buyer Anno 24. Cap. 17.

CHAP. XXV.

An Act for the prevention of Vexations and Oppressions by Arrests; And of Delays in Suits of Law.

VVhereas by the Laws of this Kingdom, in Case where any person is Sued, Impleaded or Arrested by any Writ, Bill or Process, Issuing out of

of any of His Majesty's Courts of Record at Dublin, in any Common-Plea, at the Suit of any common person, the true cause of Action ought to be set forth and expressed in such Writ, Bill or Process, whereby the Defendant may have certain knowledge of the cause of the Suit, and the Officer who shall Execute such Writ, Bill or Process, may know how to take Security for the appearance of the Defendant to the same, and the Sureties for such appearance, may rightly understand for what cause they become Engaged.

And whereas there is a great complaint of the People of this Kingdom, that for divers Years last past, very many of His Majesty's good Subjects have been Arrested upon General Writs of Trespass, Quare Clausum Fregit, or other like Writs Issued out of the Courts of King's Bench and Common-Pleas, not expressing any particular or certain cause of Action; and thereupon kept Prisoners for a long time for want of Bail, Bonds, with Sureties for appearances, having been demanded in so great Sums, that few or none have dared to be Security for the appearance of such persons so Arrested and Imprisoned; altho' in Truth there hath been little or no cause of Action, and oftentimes there are no such persons who are Damaged Plaintiffs; but those Arrests have been many times procured by Malicious persons to Mole and Oppress the Defendants, and to force from them unreasonable and unjust Compositions for obtaining their Liberty; and by such evil practices many Men have been, and are Daily undone and destroyed in their Estates, without possibility of having Reparation, the Actors Employed in such Practices having been (for the most part) Poor and Lurking persons, and their Doings secret, that it hath been found very difficult to make true Discoveries on proof thereof.

For Remedy and Prevention of which so great Growing Evils and Mischiefs; and also for Discouraging all frivolous and unjust Suits and causeless Arrests for the future,

Persons Arrested, and the Cause of Action not expressed in Process, what Bail to be given for their Appearance.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the Twelfth Day of December next, no person or persons who shall happen to be Arrested by any Sheriff, Under-Sheriff, Coroner, Steward or Bayliff of any Franchise or Liberty, or by any other Officer, Minister, Under-Bayliff, or any other person or persons whatsoever within this Realm, having or pretending to have Authority or Warrant in that behalf, by Force or Colour of any Writ, Bill or Process, Issuing, or to be Issuing out of His Majesty's said Court of King's Bench and Common-Pleas, or either of them, or other Court of Justice, in which said Writ, Bill or Process, or at the Foot thereof, the certainty or true cause of Action is not expressed, marked or set down particularly; and for which the Defendant or Defendants in such Writ, Bill or Process named, is and are Bailable by the Statute in that behalf, made in the Three and Twentieth Year of the Reign of the late King Henry the Sixth, shall be forced or compelled to give Security, or to Enter into Bonds with Sureties for the Appearances of such person or persons so Arrested, at the Day and Place in the said Writ, Bill or Process, on the Foot thereof specified or contained in any Penalty or Sum of Money exceeding the Sum of Forty Pounds of Lawful Money of England, to be Conditioned for such Appearances. And that all Sheriffs, and other Officers and Ministers aforesaid, shall let to Bail, and deliver out of Prison, and from their and every of their Custodies, respectively, all and every person or persons whatsoever, by them, or any of them Arrested upon any such Writ, Bill or Process, wherein the certainty and true cause of Action is not particularly expressed, as aforesaid, upon Security in the Sum of Forty Pounds, and no more, given for Appearance of such person or persons so Arrested, unto the said Sheriff or Officer aforesaid, according to the said Statute in the said Three and Twentieth Year of the Reign of the said King Henry the Sixth, in that behalf made and provided.

How such Bail Bonds shall be Discharged.

And be it further Enacted by the Authority aforesaid, That upon Appearance to be Entered in the Term wherein such Writ, Bill or Process is Returnable, with the respective Officer in that behalf for the said person or persons, by Attorney or Attorneys in the said respective Courts from whence the said Writ, Bill or Process Issued unto such Writ, Bill or Process, the Bond or Bonds so given for Appearance thereunto, be, and are hereby Satisfied and Discharged; and that after such Appearance so Entered, no Amercement be Set or Created upon, or against any Sheriff, or other Officer aforesaid, or any other person whatsoever, concerning the want of such Appearance: And unless the Plaintiff or Plaintiffs in any such Writ,

Writ, Bill or Process named, shall put into the Court from whence such Writ, Bill or Process did Issue, his or their Bill or Declaration against the person or persons so Arrested in some personal Action (Ejectione firme) of Lands and Tenements, before the End of the Term next following for Appearance, that then a Non-Suit for want of a Declaration may be Entred against the said Plaintiff or Plaintiffs in the said Courts, respectively: And that every Defendant in every such Writ, Bill or Process named, shall or may have Judgment to recover Costs against every such Plaintiff or Plaintiffs, to be Assessed, Taxed and Levied in such manner, and according as it is provided by the Statute for Costs made in the Three and Twentieth Year of the Reign of the Late King Henry the Eighth, any former other Act, Statute, Ordinance, Law, Custom, Order, Course or Usage of either of the said Courts to the contrary thereof heretofore had, made, admitted or used in any wise notwithstanding.

Provided always, That this Act nor any Clause or Thing herein before specified or contained, shall not Extend or be Construed or Taken to Extend unto any Arrests hereafter to be made upon, or by Virtue of any Writ of Capias Utlegatum, Attachment upon Rescous, or Attachment upon any Contempt, or of any Attachment of Privilege, at the Suit of any Privileged person, or of any other Attachment for Contempt whatsoever, Issuing or to be Issuing out of either of the said Courts, altho' there be no particular certainty of the cause of Action expressed or contained in the said Writs, but that nevertheless no Sheriff or Under-Sheriff, nor any of the Officers or Ministers aforesaid, shall Discharge any person or persons taken upon any Writ of Capias Utlegatum, out of Custody without a Lawful Superfedeas first had and received for the same, and that upon the said Writs of Attachment, such Lawful course be taken for Security for Appearance therein, as hath been heretofore used, any thing herein before Expressed to the contrary thereof in any wise notwithstanding.

To what Process it shall not extend.

And whereas many persons out of Ill Intent to Delay their Creditors from Recovering their Just Debts continue Prisoners, who cannot be proceeded against in such manner as they might be if they were at Large. Now for the better Enabling all and every person or persons to Recover their Just Debts and Demands against such Prisoners,

Be it further Enacted by the Authority aforesaid, That every person or persons whatsoever, who now hath or have, or which at any time hereafter shall have cause of any personal Action against any person, being a Prisoner in Prison, may Sue forth any Original Writ upon his or their Cause of Action: And that a Writ of Habeas Corpus be Granted to every such person or persons being Plaintiff or Plaintiffs, desiring the same to be Directed to the Goaler or Keeper of the same Prison, to have the Body of such Prisoners before any His Majesty's Justices of the King's Bench, or Common-Pleas, at some certain Day in any Term, to Answer the said Plaintiff or Plaintiffs upon his or their said cause of Action; and that if the said Plaintiff or Plaintiffs at the said Day put into the said Court his or their Declaration, according to the said Original Writ against the said Prisoner being present at the Bar, the said person shall be Bound to Appear in person, or to put in an Attorney to Appear for him in the said Action, and unless the said Defendant plead upon a Rule given to be out at the Eight Days at the least, after such Appearance Judgment by Nihil dicit may be Entred against such Defendants as appearing in person, which shall be Good and Effectual in Law: And such Charge in Court by Declarations signified by Rule unto the Goaler or Keeper, shall be a good cause of Detention of such Prisoner in his Custody, from which he shall not be Discharged without a Lawful Superfedeas, or Rule of Court: And if the said Goaler or Keeper shall do otherwise, he shall be Responsible to the Court, and to the Party Grieved for Damages, by Action upon the Case, to be brought against him for Discharging such Prisoner.

And whereas very many Suits commenced by Original Writs have been protracted and long delayed from Judgment and Execution, by reason of the necessity of having fifteen Days at the least, between the Days of the Teste, and the Days of the Return of Writs now used in personal Actions, and also in Actions of Ejectione firme, for Lands and Tenements. For Remedy whereof, and for the more ealy Expediting Tryals, and the better and more speedy Executing Judgments for the time to come,

Be it further Enacted by the Authority aforesaid, That in all Actions of Debt, and all other personal Actions whatsoever, and also in Actions of Ejectione firme, Where want of fifteen days between

for

the 7th and
return of any
Writ, shall
be no Error.

for Lands or Tenements now depending, or which at any time hereafter shall be depending in either of His Majesty's Courts aforesaid, after any Issue therein Joined, to be Tried by a Jury; and also after any Judgment had or obtained, or to be had or obtained in any the Courts aforesaid, in any such Action as aforesaid, there shall not need to be fifteen Days between the Teste and Day of Return of any Writ or Writs of Venire facias, Habeas Corpora Jurator. or, Distringas Jurator. Writs of Fieri facias, or Writs of Capias ad Satisfaciendum, and that the want of fifteen Days between the Test Day, and the Day of the Return of any such Writ, shall not be, nor shall be Assigned, Taken, or Adjudged to be any matter or cause of Error; any Law, Custom, Statute, Course or Usage to the contrary thereof, in any wise notwithstanding.

Provided nevertheless, That this Act, nor any thing therein contained shall not Extend, or be Construed to Extend to any Writ of Capias ad satisfaciend. whereon a Writ of Exigent after Judgment is to be Awarded, nor to Capias ad satisfaciend. against the Defendant, in Order to make any Bail Lyable, but that the same continue and be as if this Act had never been made.

And whereas by an Act of Parliament made in this Kingdom in the Tenth Year of the Reign of our Late Sovereign Lord King Charles the First, of Blessed Memory, a very good Law was made for avoiding Unnecessary Delays of Execution, whereby it is Enacted, That no Execution shall be Stayed or delayed upon or by any Writ of Error, or Superseas thereupon, to be Sued for the Reversing of any Judgment to be given in any Action or Bill of Debt, upon any single Bond for Debt, or upon any Obligation, with Condition for Payment of Money only, or upon any Action or Bill of Debt for Rent, or upon any Contract Sued in any of His Majesty's Courts of Record at Dublin; unless such person or persons in whose Name or Names such Writ of Error shall be brought with Two sufficient Sureties, such as the Court wherein such Judgment is or shall be given shall allow of, shall first before such Stay made or Superseas to be awarded, be Bound to the Party for whom any such Judgment was or should be given by Recognizance to be acknowledged in the same Court, in double the Sum Adjudged, to be recovered by the said former Judgment, to Prosecute the said Writ of Error with Effect, and also to Satisfy and Pay (if the said Judgment shall be affirmed) all and singular the Debts, Damages and Costs Adjudged, or to be Adjudged upon the former Judgment, and all Costs and Damages to be also Awarded for the same delaying of Execution, which Law hath been found by Experience to be very good and beneficial to the Common-wealth. And forasmuch as divers other Causes wherein the same Writs by delays and staying of Execution by Writs of Error and Superseas thereupon, are not provided for by the Statute in the several Actions hereafter specified.

Be it further Enacted, That the said Recited Act be of Force in this Kingdom. And be it further Enacted and Ordained by the Authority aforesaid, That from and after the Twentieth Day of December next, no Execution shall be Stayed in any of His Majesty's Four Courts, or in the County Palatine of Tipperary, by any Writ or Writs of Error or Superseas thereupon, after any Verdict and Judgment thereupon obtained in any Action of Debt, or in any Action upon the Case, upon any promise for the Payment of Money, Actions Sur Trover, Actions of Covenant, Detinue and Trespas, unless such Recognizance, and in such manner as by the said Recited former Act is directed, shall be first acknowledged in the said Court where such Judgment is given.

And be it also Enacted by the Authority aforesaid, That if any person or persons after the said Day shall Sue or Prosecute any Writ or Writs of Error for the Reversal of any Judgment whatsoever, given after any Verdict in any the Courts aforesaid; and the said Judgment shall afterwards be affirmed, then every such person or persons shall pay unto the Defendant or Defendants in the said Writ or Writs of Error, his or their double Costs, to be Assessed by the Court where such Writ of Error shall be depending, for the delaying of Execution.

Provided nevertheless, That this Act, nor any thing therein contained, shall not extend to any Action popular, nor unto any other Action, which is, or hereafter shall be brought upon any Penal Law or Statute, nor to any Indictment, Presentment, Inquisition, Information or Appeal, any thing herein before Expressed to the contrary thereof notwithstanding.

C H A P. XXVI.

An Act for Banishing all *Papists* Exercising any Ecclesiastical Jurisdiction, and all Regulars of the *Papish Clergy* out of this Kingdom.

Whereas it is notoriously known, That the late Rebellions in this Kingdom, have been contrived, promoted and carried on by *Papish Arch-Bishops, Bishops, Jesuits, and other Ecclesiastical Persons* of the *Romish Clergy*. And sozasmuch as the Peace and publick Safety of this Kingdom is in danger, by the great number of the said *Arch-Bishops, Bishops, Jesuits, Friars, and other Regular Romish Clergy*, now residing here, and settling in *Fraternities and Societies*, contrary to Law, and to the great Impoverishing of many of His Majesty's Subjects of this Kingdom, who are forc'd to Maintain and Support them; which said *Romish Clergy* do not only endeavour to withhold His Majesty's Subjects from their Obedience, but do daily stir up and move Sedition and Rebellion, to the great hazard of the ruin and desolation of this Kingdom. For the prevention of all which *Witchcrafts*, His Majesty is Graciously Pleased that it be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled; and by Authority of the same, That all *Papish Arch-Bishops, Bishops, Vicars-General, Deans, Jesuits, Monks, Friars, and all other Regular Papish Clergy*, and all *Papists* Exercising any Ecclesiastical Jurisdiction, shall depart out of this Kingdom before the first Day of May, which shall be in the Year of our Lord, One thousand six hundred ninety eight: And if any of the said Ecclesiastical persons, shall be at any time after the said first Day of May, within this Kingdom, they, and every of them shall suffer Imprisonment, and remain in Prison without Bail or Mainprize, till he or they shall be Transported beyond Seas out of His Majesty's Dominions, whereever His Majesty, His Heirs or Successors, or the Chief Governor or Governors of this Kingdom for the time being, shall think fit: And if any person so Transported, shall return again into this Kingdom, they, and every of them, shall be Guilty of High-Treason; and every person so Offending, shall for his Offence be Adjudged a Traytor, and shall suffer, Lose and Forfeit as in case of High-Treason.

All Arch Bishops, Bishops, Vicars-General, Deans, Jesuits, Monks, Friars, and all other Regular Clergy, to depart this Kingdom.

And be it further Enacted by the Authority aforesaid, That all and every such *Papish Arch-Bishops, Bishops, Deans, Vicars-General, Jesuits, Friars, and all other Papish Regular Clergy* in this Kingdom, shall before the said first Day of May, Repair to the City of Dublin, Cork, Kinsale, Youghal, Waterford, Wexford, Gallway, or Carrickfergus, and there remain until there shall be convenientcy of Shipping, for their Transportation into some parts beyond Seas, and out of His Majesty's Dominions, every of them at their first coming into any of the said Cities and Towns, giving in their Names to the Mayor, or other chief Magistrate, who is hereby required to Register the same, and return an Account thereof to the Clerk of the Council within Ten Days; and that the said Mayor, or other chief Magistrate of each Town, and also the Collector and Surveyor of the Port, shall give their best assistance in Transporting every such *Papish Arch-Bishop, Bishop, and other Papish Regular Clergy man*.

To what place to resort for Transportation.

And be it further Enacted by the Authority aforesaid, That from and after the Twenty fifth Day of December, which shall be in the Year of our Lord God, One thousand six hundred and ninety seven, no *Papish Arch-Bishop, Bishop, Vicar-General, Dean, nor any other Papist* Exercising any Ecclesiastical Jurisdiction, not Established by the Laws of this Kingdom, Jesuit or Friar, shall come into this Kingdom from any parts beyond the Seas, on pain of Twelve Months Imprisonment, and then to be Transported in manner aforesaid: And if any such *Romish Ecclesiastical person* so Transported, shall again return into this Kingdom, he and they so Offending, shall be Guilty of High-Treason, and suffer accordingly.

Penalty of such Regulars coming into this Kingdom from any parts beyond the Seas.

And be it further Enacted, That any Person that shall from and after the said first Day of May knowingly Harbour, Relieve, Conceal, or Entertain any such *Papish Arch-Bishop, Bishop, Vicar-General, Dean, Jesuit, Friar, or any other Papist* Exercising any Ecclesiastical Jurisdiction, not Established by the Laws of this Kingdom, or any Regular *Papish Clergy man*, hereby required to depart out of this Kingdom, in manner aforesaid, or that from and after the said Twenty

Penalty of Persons knowingly Harbours, Relieving or Concealing them.

Fifth Day of December, One thousand six hundred ninety seven, shall come into this Kingdom contrary to the Tenor of this Act, shall for the first Offence, forfeit the Sum of Twenty Pounds; for the second Offence, double the said Sum, to be Levied in manner herein-after expressed: And if he shall Offend the Third time, to forfeit all his Lands and Tenements of Freehold or Inheritance during his Life, and also his Goods and Chattles; One Moiety whereof to His Majesty, His Heirs and Successors, the other Moiety to such person as shall Inform, so as such Moiety do not exceed the Sum of One Hundred Pounds, and the Surplus of what shall remain to His Majesty, His Heirs and Successors, the said Forfeiture for such Third Offence, to be Recovered by Bill, Plaint, Information or Action for Debt, in any His Majesty's Courts of Record at Dublin, or at the Assizes in the respective Counties.

How such
Entertain-
ment, &c.
shall be pro-
ceeded a-
gainst.

And be it Enacted by the Authority aforesaid, That upon Information on Oath, to any Justice of Peace in his respective County, against any person or persons, that shall knowingly Entertain, Succour, Relieve or Conceal any such Popish Arch-Bishop, Bishop, Jesuit, Friar or other Ecclesiastical Popish Person, contrary to the purport and meaning of this Act; the said Justice of the Peace, shall immediately Issue a Summons in Writing under his Hand, thereby requiring the person and persons so Informed against, at a certain Day and Place within the said County where such Offence shall be committed, to appear before him, and some other Justice of the Peace of the said County, to Answer the Matter laid to him or their charge; at which time and place the said Justices shall in presence of the person or persons accused, or in case of his or their Neglect to appear, being duly Summoned, proceed to the Examination of the said Matter; and if it shall appear to them, on Evidence upon Oath, that the person or persons so complained of are Guilty, the said Justices shall by Warrant under their Hands and Seals, Levy the aforesaid Forfeitures of Twenty Pounds for the first Offence, and Forty Pounds for the second Offence, of the Goods and Chattles of the person or persons Offending, by Distress, Sale, or otherwise, and dispose of One Moiety of such Forfeitures to the Informer or Informers, and the other Moiety to the Treasurer of the County where such Offence shall be committed, for the use of the County; and for default thereof, to commit the person Offending to the County Goal, there to remain without Bail or Mainprize, until he or they shall pay the said Forfeitures and Penalties.

The Penalty
of Burying
any Dead in
any Suppress-
ed Monaste-
ry.

And be it further Enacted, That no person whatsoever, shall from and after the said Twenty Fifth Day of December, Bury any Dead in any Suppressed Monastery, Abby or Convent, that is not made use of for Celebrating Divine Service, according to the Liturgy of the Church of Ireland, by the Law Established, or within the Precincts thereof, upon pain of forfeiting the Sum of Ten Pounds; which said Sum of Ten Pounds shall, and may be recovered from any person or persons that shall be present at such Burial, and Offending contrary to the Tenor of this Act; which said Forfeitures, all and every Justices of the Peace, in his and their respective Counties, are hereby Authorized to Hear and Determine in manner as herein before is mentioned and declared; one Moiety of which said last Forfeiture for Burying, contrary to this Act, shall be by such Justice given unto the Informer, and the other Moiety to the Minister and Church-Wardens of the Parish where any such Offences shall be committed, to be disposed of for the use of the Parish.

Appeals by
persons a-
grieved,
where to be
made.

Provided always, That if any person or persons shall think him or themselves aggrieved, by the Judgment and Determination of such Two Justices of the Peace, that the person and persons so aggrieved, may appeal from their Judgment and Determination, to the next Judges of Assize, or to the Justices of Peace, at the next General Quarter-Sessions, who are hereby Impowered to Examine the said Matter, and give such Relief therein, as to them shall seem meet.

The Duty of
Justices of
the Peace,
about the Ex-
ecution of
this Act.

And it is further Enacted, That all and every Justice of the Peace, shall from time to time Issue their Warrants for Apprehending, and Commitment of all Popish Arch-Bishops, Bishops, Jesuits, Friars, and other Popish Ecclesiastical Persons whatsoever, that shall remain or continue in this Kingdom, contrary to the Tenor and Meaning of this Act: And for Suppressing all Monasteries, Frieries, Panneries, or other Popish Fraternities or Societies.

And be it further Enacted by the Authority aforesaid, That all and every the Justices of the Peace in this Kingdom, shall give an Account in Writing of their Proceedings in Execution of this Statute, at the next General Quarter-Sessions for

for the County in which he shall dwell, which shall be at such Quarter-Sessions Entered and Registered.

And be it further Enacted, That if any Justice of the Peace, Mayor, or other Officer, shall neglect doing their Duty in Execution of this present Act, every such Justice of the Peace, Mayor, and other Officer, shall for every such Neglect, forfeit the Sum of One Hundred Pounds, to be Recovered by Action of Debt, Bill, Plaint, or Information, wherein no Protection, Stay or Wager of Law shall be allowed of, nor but one Imparance; one Wopety thereof to the King's Majesty, His Heirs and Successors, the other Wopety to the Informer or Persons that shall sue for the same, and be disabled from Serving as a Justice of the Peace, during Life.

The Penalty of them and other Officers neglecting.

C H A P. XXVII.

An Act for the Confirmation of Articles, made at the Surrender of the City of Limerick.

Whereas divers Doubts have arisen on the Articles made at the Treaty for the late Surrender of the City of Limerick, the Third Day of October, One thousand six hundred ninety one, and concerning the true Intent and Meaning of several parts thereof.

And whereas Your Majesty hath been Graciously Pleased to Recommend to Your Parliament, That the said Articles, or so much of them as may consist with the Safety and Welfare of Your Majestys Subjects of this Kingdom, may be Confirmed by Authority of this present Parliament.

We the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, having due regard to Your Majesty's Honour, for Declaring the true Sense and Meaning of the said Articles, and taking away all occasions of Doubt for the time to come, do Most Humbly Beseech Your Majesty, that it may be Enacted,

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament, Assembled, and by the Authority of the same, That the Second Article in the aforesaid Articles mentioned, be, and is hereby Confirmed and Ratified in the Sense and Intendment following and no otherwise (that is to say) That all the Inhabitants or Residents of Limerick, or any other Garrison in the possession of the Irish, at the time of making the said Articles; and all Officers and Soldiers then in Arms, under any Commission of the Late King James, or those Authorized by him, to Grant the same in the several Counties of Limerick, Clare, Kerry, Cork and Mayo, and all the Commissioned Officers in the Quarters of His Majesty, that belonged to the Irish Regiments then in being, that were Treated with, and who were not Prisoners of War, nor had at any time before that time Enjoyed the Benefit of Protections for the Safety of themselves, or their Goods and Families; which said Officers have in pursuance of the said Articles, returned to their Obedience, and submitted to His Majesty, and to Her Late Majesty Queen Mary: Such Inhabitants or Residents of Limerick, or any other Garrison as aforesaid; such Officers and Soldiers respectively as aforesaid, and their, and every of their Heirs, shall Hold, Possess and Enjoy, all and every their Estates of Free-Hold and Inheritance, and all the Rights, Titles and Interests, Privileges and Immunities to the said Estates of Free-hold, and Inheritance belonging, which they, and every, or any of them Held, Enjoyed, or were Rightfully and Lawfully Intituled to, in the Reign of King Charles the Second, or at any time since, by the Laws and Statutes that were in Force in the said Reign of King Charles the Second, and such Possessions as was given the said Inhabitants, Officers and Soldiers, in whose behalf the said Articles were as aforesaid, made, of Lands then in His Majesty's Hands, or in the Hands of His Tenants, by Order of the then Government under His Majesty, is as to the Possession only, and no more, Confirmed and Ratified by the Authority of this Act, against His Majesty, His Heirs and Successors, and all such Estates of Free-hold and Inheritance, shall be Freed and Discharged; and by the Authority of this present Act are Declared and Enacted, to be, and stand Freed and Discharged of, and from all Arrears of Crown-Rents, Quit-Rents, and other publick Charges, Incurred or become Due, from, and after the Feast of Saint Michael the Arch-Angel, in the Year of our Lord, One thousand six hundred eighty eight, to the Day of the Date of the said Articles.

The Explanation of the second Article of Limerick.

To what Pur-
poses the Act
shall extend.

What Goods
and Chattles
the Persons
comprehend-
ed in the Se-
cond Article
shall and are
to Enjoy

The Right of
others Saved.

To what
Grants of any
Goods, &c.
this Act shall
not extend.

What Per-
sons are not
to be Restor-
ed.

Provided always, and be it Enacted by the Authority aforesaid, That this Act, or any thing therein contained, shall not Extend, or be Construed to Extend to a Grant of any new Right to the aforesaid Persons, in whose behalf the aforesaid Articles were made, or any of them; but that the same shall Extend and be Construed to Extend to the Restoring the said Persons, and every of them, to their said Estates of Free-hold and Inheritance, against His Majesty, His Heirs and Successors, in as large and ample manner as they should have Enjoyed the same, had they not been Guilty of the Rebellion aforesaid, and not otherwise, or in any other manner; neither shall this Act Extend, or be Construed to Extend, to alter or avoid the Possessions of any such Lands, Tenements or Hereditaments, as have been recovered or gained by any other of His Majesty's Subjects, from or against the said Persons in whose behalf the said Articles were made, or any of them, at any time since the Date of the said Articles, any thing in this Act to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That all and every Person and Persons comprehended in the said Second Article, in the said Articles mentioned, shall Have, Hold and Enjoy all his and their Goods and Chattles, Real and Personal, to them or any of them, at the time of making the said Articles, belonging, and which then, or at that time remained either in their own Hands or in the Hands of any other Person or Persons whatsoever in Trust for them, or for the Use of them or any of them; and the said Goods and Chattles, Real and Personal, as aforesaid, shall Have, Hold and Enjoy against His Majesty, His Heirs and Successors: And as for and concerning all other the Goods and Chattles, Real and Personal, which formerly did belong to, or were the Propriety of any of the said Persons comprehended within the said Articles, as aforesaid, at any time before the Date of the said Articles, which said Goods and Chattles, Real and Personal, had been at any time since the Tenth Day of April, One thousand six hundred eighty nine, and before the Date of the said Articles, Seized, Sequestred, or by any manner of way taken to the Use of His Majesty, and Her said Late Majesty the Queen, by any Sheriff, Escheator, Commissioner, Officer, Civil or Military, their Ministers or Servants, or any other Person or Persons whatsoever; and all other the Goods and Chattles of the said Persons, which were not in their own Possession, or in the Possession of any Person or Persons as aforesaid, in Trust for them, at the Day of the making the said Articles, the same by the Authority of this Act, shall be Decreed, Tested and Adjudged to be in the actual and real Possession of His Majesty, without any Office or Inquisition thereof hereafter to be found or taken.

Saving to all and every Person and Persons, Bodies Politick and Corporate, and to their Successors, Executors, Administrators and Assigns, and to the Successors, Executors, Administrators and Assigns of every of them, other then the said Persons in whose behalf the said Articles were made, and their Executors, Administrators and Assigns, Claiming any thing in the said Goods and Chattles, Real and Personal, or any part thereof, as Executors, Administrators or Assigns of the said Persons, in whose behalf the said Articles were made, or any of them, and all and every other Person or Persons Claiming, or having any thing in the said Goods and Chattles, Real or Personal, as aforesaid, Seized, Sequestred, or by any manner of way taken to the Use of His Majesty, as aforesaid, to the Use of the Persons in whose behalf the said Articles were made, or any of them, or to the Use of any of their Executors and Administrators; all such Right, Title, Interest, Possession, Use, Action and Means to recover the same, whatsoever, which they or any of them had, or ought to have in the Premises or any part thereof, against the said Persons, in whose behalf the said Articles were made or any of them, in as large and ample manner to all intents and purposes, as if this Act had never been had or made, or any thing herein contained to the contrary notwithstanding.

Provided always, That this Act or any thing therein contained shall not extend to avoid any Grant or Grants at any time heretofore made by His Majesty, and the Late Queen (of Blessed Memory) or by His Majesty of any such Goods and Chattles, Real or Personal, hereby intended to be Tested in His Majesty, as aforesaid, but that such Grant and Grants respectively, shall be and remain in such Force and Effect, as if this had not been made.

Provided always, and be it Enacted by the Authority aforesaid, That no Person or Persons shall be Construed to be Restored within the Intent and Meaning of the said Articles, or of this Act, who at the time of their hearing their respective Claims to the Benefit of the said Articles, shall neglect or refuse to take the Oaths of Fidelity to His Majesty, mentioned in the said Articles; nor to restore such, who

at the time of making of the said Articles, was, or were out of the Kingdom of Ireland,

Except such Persons as are Comprized in the Fourth Article of the said Articles, made for the late Surrender of Limerick, which said Persons, in the said Fourth Article Comprized, shall have the Benefit of the said Second Article, in such Manner and Form as in and by this Act is as aforesaid Declared, and no otherwise.

Provided the said Persons in the said Fourth Article named, respectively did return hither within the space of Eight Months, from the Date of the said Articles, and have within that time Submitted to the Government of His Majesty, and Her Late Majesty, the Late Queen; and also within that time taken the Oath of Allegiance to His Majesty, and Her Late Majesty the Queen.

Be it further Enacted by the Authority aforesaid, That all Merchants or reputed Merchants, Inhabitants of the Town of Limerick, or of any other Garrison which at the time of making the said Articles, was possessed by the Irish, or of any Town or Place in the Counties of Clare or Kerry, who were Absent beyond the Seas, and that have not been in Arms since the Declaration made by His Majesty, and Her Late Majesty Queen Mary, in February One thousand six hundred eighty eight, shall have the Benefit of the Second Article, in Manner and Form aforesaid Declared, in as large and ample manner, as if such Merchants or reputed Merchants, had been present at the making of the said Articles.

Provided such Merchants or reputed Merchants, did repair into this Kingdom within the space of Eight Months from the Date of the said Articles, and Submitted himself or themselves to His Majesty, and Her Late Majesty's Government.

And be it Enacted by the Authority aforesaid, That all and singular the Persons already adjudged, or that shall hereafter be adjudged to have been Comprized within the Second and Third Articles, of the aforesaid Articles of Limerick, shall from henceforth be deemed and taken to be, as to any Prosecution, in the Name and Behalf of His Majesty, and of Her Late Majesty, or in the Name and Behalf of His Majesty, His Heirs and Successors, fully and absolutely Pardoned by the Authority of this Act, of all Attainders or Out-laws in this Kingdom had or done, for all the Treasons, Misprisions of Treasons, Premunires, Felonies, Trespases, and other Crimes or Misdemeanors whatsoever, by them or any of them, committed or done since the beginning of the Reign of the Late King James, to the Third Day of October, One thousand six hundred ninety one.

And be it further Enacted by the Authority aforesaid, That from and after the Expiration of Two Years, to be computed from the first Day of September, One thousand six hundred ninety seven, no Person or Persons whatsoever shall be Adjudged, Deemed, or Taken to be Intituled to, or have the Benefit of the said Articles, who shall not be adjudged within that time to be comprehended therein.

And whereas some Questions or Doubts have Arisen, for and concerning the time of the beginning of the Rebellion or War in this Kingdom, Be it Enacted by the Authority aforesaid, That the said Rebellion or War, is hereby Declared to have Begun upon the Tenth Day of April, One thousand six hundred eighty nine, the same being the Day limited to the said Rebels and Traytors by His Majesty and Her Late Majesty's Declaration, in February One thousand six hundred eighty eight, for the said Rebels and Traytors laying down of their Arms, and accepting of their said Majesties Grace and Mercy, on the Terms in the said Declaration proposed.

And that no Person or Persons whatsoever, already adjudged, or that shall be hereafter adjudged, to be comprehended in the foregoing Articles, shall be Sued, Molested or Impleaded at the Suit of any Party or Parties whatsoever, for any Trespases by the said Persons, as aforesaid Comprized, committed or done at any time since the said Tenth of April, One thousand six hundred eighty nine, and before the Date of the said Articles, or for any Arms, Horses, Money, Goods, Chattles, Merchandizes or Provisions whatsoever, by them Seized or Taken at any time after the said Tenth Day of April, One thousand six hundred eighty nine, and before the Date of the said Articles; and no Person or Persons whatsoever, in the Second or Third Articles Comprized, shall be Sued, Impleaded, or Made accountable for the Rents of Mesuages or any Lands, Tenements or Houses by him or them Received or Enjoyed in this Kingdom, since the said Tenth Day of April, One thousand six hundred eighty nine, to the Day of the Date of the said Articles, nor for any Waste or Trespases by him or them committed in any such Lands, Tenements or Houses, since the said Tenth Day of April, One thousand six hundred eighty nine, and before the Date of the said Articles.

Persons Comprized in the 4th Article.

What Persons not Restored.

Merchants to have the benefit of the 2d. Article.

A Proviso for Persons submitting to the King and Queen Mary, &c.

Who are pardoned by this Act of all Attainders, Out-laws and Treasons in this Kingdom.

After what time they are to be Intituled to the benefit of these Articles.

When the said Rebellion or War is said to have begun.

What Persons shall not be sued for any Trespases by them committed for any Arms, Horses, Money, &c.

And whereas it is necessary that a time be limited for the bringing of the said private Actions, for or on account of such Wrongs, Injuries and Trespasses, as aforesaid, committed or done by any Person or Persons Comprehended or Claiming the Benefit of the said Articles since the said Fifth Day of November, One thousand six hundred eighty eight, to the said Tenth Day of April, One thousand six hundred eighty nine.

And for what
Actions they
may be Sued.

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for such Person and Persons as have had any Wrongs, Injuries and Trespasses committed upon them, by any of the Persons aforesaid, since the said Fifth Day of November, One thousand six hundred eighty eight, and before the said Tenth Day of April, One thousand six hundred eighty nine, to commence his or their Actions against such Trespasser or Trespassers, Wrong-doer or Wrong-doers, at any time within the space of one Year, to be accounted from the said First Day of September, One thousand six hundred ninety seven, and at no other time or times after the Expiration of the said Year, any Law or Statute to the contrary notwithstanding.

C H A P. XXVIII.

An Act to prevent Protestants Inter-Marrying with Papists.

VWhereas many Protestant Widens and Women, as well such as be Heirs apparent to their Ancestors, as others, having left unto them by their Father, or other Ancestor or Friends, Mannors, Lands, Tenements and Hereditaments, or other great Substances in Goods or Chattles, Real or Personal, for their advancement in Marriage; or having had considerable Estates for Life, by Power or Jointure, or having had the Tutition or Guardianship of Protestant Children Intituled to such Estates or Interests, as aforesaid, by Flattery and other Crafty Insinuations of Popish Persons, have been seduced and prevailed upon to Contract Patrimony with, and take to Husband Papists or Popish Persons; which Marriages have not only Tended to the Ruin and Destruction of such Estates and Interests, and to the great Loss and Damage of many Protestant Persons, to whom the same might Descend or Come, but as well to the corrupting and perverting such Protestants so Marrying, and the Protestants Persons in their Tutition and Guardianship, as aforesaid, that they forsake their Religion, and become Papists, to the great Dishonour of Almighty God, the great Prejudice of the Protestant Interest, and the heavy Sorrow and Displeasure of all their Protestant Friends. For Remedy whereof.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same; That if any Protestant Maid or Woman Unmarried, being Heir apparent to her Ancestor, or having a Sole or Joint Estate or Interest in Fee-Simple, or in Fee-Tail, or being Seized in Fee-Simple, in Coparcenary or in Common, or being Seized of an Estate for Life or Lives, by way of Jointure, Dowry, or otherwise; or being Possessed of, or Intituled unto any Beneficial Interest or Term for Years, or in any Mannors, Lands, Tenements, Rents and Hereditaments, in Possession, Reversion or Remainder, or being Possessed of, or Intituled to any Personal Estate, either in Money, Stock, Plate, Jewels, or other Goods and Chattles in Law or Equity, to the Value of Five Hundred Pounds Sterl. or more, shall at any time after the First Day of January next, Marry or take to Husband any Person whatsoever, without having first obtained a Certificate in Writing under the Hand of the Minister of the Parish, Bishop of the Diocese, and some Justice of the Peace Living near the Place, or any two of them, where such Person shall be Resident at the time of such Marriage, that he is a known Protestant; which Certificate shall also be attested under the Hands of Two or more Credible Witnesses, and shall be Granted without Fee or Reward, that then and from the time of such Marriage, such Protestant Person so Marrying, and the Person she shall so Marry, shall be for ever afterwards disabled and rendered incapable of Having, Holding or Enjoying, all, or any of the aforesaid Estates or Interests, which such Protestant Person so Marrying, shall, may or ought to have, at the time of such Marriage, and that by such Marriage as aforesaid, all and every of the said Estates and Interests belonging to such Protestant Person or Persons so Marrying, as aforesaid, shall go to, and be Vested in, and

The Forfeiture of the Protestant Heirs Marrying a Husband without a Certificate of his being a Protestant.

In Law deemed and esteemed to be the Right, Title, Estate and Interest of the next Protestant of the Kin, to whom such Estate or Interest would Descend, or come to by Law, where such Protestant Maid or Woman, and all other intervening Popish Heirs, Executors, or Administrators, really Dead and Intestate at the time of such Marriage; and that from the time of such Marriage, such next Protestant of the Kin as aforesaid, to whom all or any of the said Estates or Interests, shall come by such Marriage as aforesaid, shall Have, Hold, Possess and Enjoy all, and every such Estates and Interests, in as Large, Ample and Beneficial manner, to all intents and purposes, as such Protestant Maid or Woman might Have, Held, Possessed or Enjoyed the same, in Case this Act had never been made; and that at any time after such Protestant Maid or Woman, shall Marry without such Certificate, as aforesaid, it shall and may be Lawful, to and for such Protestant person or persons, to whom all or any of the said Estates or Interests shall come by such Marriage as aforesaid by any Action at Law, or other Legal means whatsoever, to Sue for, and Recover all or any of the said Estates or Interests, as if such Protestant person or persons so Marrying as aforesaid, and all other Intervening Popish Heirs, Executors or Administrators, were really Dead and Intestate as aforesaid, and as if such person or persons, who shall so Sue for, and Recover all or any of such Estates or Interests, were Rightfully and Legally Intituled thereto, as Heir, Executor or Administrator, to such Protestant Maid or Woman Marrying as aforesaid; such Maid or Woman being by such Marriage, to be deemed and esteemed Dead in Law, to the aforesaid Intents, Constructions and Purposes.

And if any such Protestant Maid or Woman, as aforesaid, shall at any time after the First Day of January, One thousand six hundred ninety seven, Marry any such persons without such Certificate as aforesaid, that then, and from thenceforth, such Protestant person and such Husband as she shall so Marry, as aforesaid, shall for ever be Incapable of being Heir, Executor, Administrator or Guardian, of or to any Protestant or Protestants whatsoever; and in Case any Protestant Woman as aforesaid, is now Married to a Popish Person, and hath now by Law a Title, or is chosen or appointed to be Guardian to any Protestant person or persons, having all or any of the said Estates or Interests, aforesaid, that in such Case, from and after the said First Day of January, such Guardian shall be utterly incapable of being any longer so Guardian, or to receive any the Rents, Issues or Profits, of the said Estates or Interests of such person or persons in Guardianship as aforesaid; and the Right and Title of such Guardianship shall devolve on, and come to the next Protestant or Protestants of the Kin, to whom the Estate of such person or persons in Guardianship as aforesaid cannot descend, unless such person shall be incapable in Law, or shall be Adjudged unfit for such Guardianship by the Court of Chancery in this Kingdom: In either of which Cases, such Right of Guardianship shall go to the next Protestant of Kin, who shall be capable and fit for the Discharge of such Trust, who shall take into his, her or their Care and Tuition such person and persons in Guardianship as aforesaid, and receive the Rents, Issues and Profits of such Estates and Interests belonging to such person or persons so in Guardianship.

And that in Case any Protestant Minister, or Popish Priest, or other person whatsoever, shall after the said First Day of January, Join in Marriage any Protestant Maid or Woman, having any of the said Estates or Interests aforesaid, to any person whatsoever, without having such Certificate in Writing as aforesaid, then every such Protestant Minister, Popish Priest, or other person whatsoever, Joining in Marriage as aforesaid such Protestant Maid or Woman, to any person without such Certificate as aforesaid, for every such Offence, he or they shall so Commit, being Convicted thereof by his or their Confession, or by the verdict of a Jury of Twelve Men of the County wherein such Offence shall be committed, shall suffer One Years Imprisonment, without Bail or Mainprize, and forfeit the Sum of Twenty Pounds Sterling, the one Part thereof to our Sovereign Lord the King, that now is, His Heirs and Successors, and the other Part to the Party or Parties that will Sue for the same, by any Bill, Plaint, Action, Suit or Information, wherein no Escoyn, Waiver of Law or Protection shall be allowed.

And whereas the Marriages of Protestant persons, to and with Popish Maidens and Women, have proved pernicious to the Protestant Interest, it commonly happening such Protestant persons and their Issues being influenced by such Popish Wives, are reconciled to Popery and become Papists: For Remedy whereof, We further Enacted by the Authority aforesaid, That in Case any Protestant person or

The Penalty of a Protestant Minister or Papist, Marrying such Maid or Woman without a Certificate.

The Forfeiture of Protestant Man marrying any Maide.

persons

out a Certificate.

persons, shall after the said first Day of January, next, marry any Maiden or Woman, without having obtained a Certificate in Writing, under the Hand of the Minister of the Parish, Bishop of the Diocese, and some Justices of the Peace, Living near the place where such said or Woman shall be resident at the time of such Marriage, or any two of them, of her being a known Protestant, which Certificate shall be Attested by two Credible Witnesses as aforesaid, and shall be Granted without Fee or Reward; such person or persons, so marrying any Maiden or Woman, shall from and after such Marriage, be in Law deemed and esteemed to all intents, constructions and purposes, to be a Papist or Popish Recusant, and shall for ever afterwards be disabled and rendered Incapable of and from being Heir, Executor, Administrator or Guardian to any person or persons whatsoever, as also be disabled to sit in either House of Parliament, and Rendered Incapable of, and from having, Bearing or Exercising any Civil or Military Office or Employment whatsoever, unless such person so marrying, shall within one Year after such Marriage, procure such Wife to be Converted to the Protestant Religion, and shall obtain a Certificate under the Hand and Seal of the Bishop of the Diocese, or Archbishop of the Province, or Chancellor of this Kingdom, that he hath Renounced the Popish Religion, and is become a Protestant, and shall procure the said Certificate to be Enrolled in the Court of Chancery in this Kingdom.

And whereas several Popish Priests have of late endeavoured to Withdraw several of the Soldiers Enlisted in His Majesty's Army, from His Majesty's Service, by marrying them to Popish Wives.

The Penalty of any Protestant Minister marrying an enlisted Soldier without a Certificate.

Be it therefore further Enacted, That any Popish Priest or Protestant Minister, or other person whatsoever, that shall marry any Soldier Enlisted in His Majesty's Army in this Kingdom, to any Wife without such Certificate as aforesaid, shall forfeit the Sum of Twenty Pounds for every such Offence, to be Levied by Warrant from any Justice of the Peace in any County in this Kingdom, where such Offence shall be committed, of the Goods and Chattels of the Offender, or in default thereof, the party so Offending to be Committed to the County Goal, there to remain without Bail or Mainprize, until he shall pay the said Sum, one moiety thereof to such person or persons that shall give Information and make out such Offence before any Justice of the Peace, and the other moiety to the Treasurer of the County, to be applied to the use of the County, and that every Justice of the Peace shall give an Account of his proceedings the next Quarter-Sessions.

Persons aggrieved where to Appeal.

Provided always, That any person that shall think himself Agrieved by the Judgment of any Justice of the Peace, may have Liberty to Appeal to the next Quarter-Sessions, where the said Matter shall be Examined, and such Relief therein given, as to the Justices at the Quarter-Sessions shall seem reasonable.

In what Cases want of a Certificate shall be no Forfeiture.

Provided always, and be it Enacted, That in all Cases where a Certificate is required by this Act, that the Person marrying is a known Protestant, if any Marriage shall be made without such Certificate, and it can afterwards be made appear by proof, that such person was a known Protestant, that in such Case, they shall not be Liable to any Forfeiture or Penalties in this Act.

C H A P. XXIX.

An Act for Granting an Additional Duty on Tobacco; and for continuing unto His Majesty, an Aid or Additional Custom on several Goods and Merchandizes. And also, for continuing the Additional Duty on Beer and Ale, and other Liquors, till the Twenty Fifth Day of December, One thousand seven hundred and two.

C H A P. XXX.

An Act to hinder the Reversal of several Outlawries and Attainders, and to prevent the Return of Subjects of this Kingdom, who have gone into the Dominions of the French King in Europe.

As much as by the Laws of this Kingdom, the Kings and Queens of England are by Undoubted Right Kings and Queens of this Realm, and ought to Enjoy the Title, Majesty, Power and Authority of Kings and Queens of the same: Yet nevertheless, Richard late Earl of Tyrconnel, formerly Lord Deputy, and Chief Governour of this Kingdom, by Vertue of a Commission from the late King James, Donogh late Earl of Clancarty, William late Earl of Limerick, Ulick

late

late Lord Viscount Gallway, Pierce late Lord Viscount Galmoy, Sir Valentine Brown, Garrott Dillon, Esquire, late Prime Serjeant to the late King James, Sir Richard Nagle, late Attorney-General to the said King James, and others other Wicked and Illdisposed Papists, contrary to their Allegiance and Duty, did utterly refuse to Submit to Your Majesty's Government, be the said late Earl of Tyrconnel, after Your Majesty's Happy Accession to the Imperial Crown of England, continuing to Act as Lord Deputy, and Chief Governor of this Kingdom, in Derogation to Your Majesty's Royal Authority, and in Opposition thereunto; and with the Advice and Assistance of them the said Donogh late Earl of Clancarty, William late Earl of Limerick, Ulick late Lord Viscount Gallway, Pierce late Lord Viscount Galmoy, Sir Valentine Brown, Garrott Dillon, Esquire, Sir Richard Nagle, and others as aforesaid, Raising Forces to oppose your Majesty and Your Government; and they with many other Irish Papists who were in Arms, utterly refused to accept of the Grace and Favour extended to them by Your Majesty's Royal Proclamation, bearing Date the Two and Twentieth Day of February, in the First Year of the Reign of Your Majesty, and Your Royal Consort, the Late Queen of Blessed Memory; but on the contrary, Countenanced and Encouraged the late King James, to Summons several of the Inhabitants of this Kingdom, to Meet and Assemble in this Your Majesty's City of Dublin, as a Parliament; and they with others, made several pretended Acts and Ordinances, which they Termed Acts of Parliament, under the Authority of the late King James, in the Month of May, One thousand six hundred eighty nine; and thereby Attainted many Thousands of His Majesty's Good Protestant Subjects of this Kingdom, of High-Treason, for Adhering to Your Majesty, and Her late Majesty; and several other pretended Acts and Ordinances, in Derogation to Your Majesty's Undoubted Right; and Encouraged many of Your Majesty's Subjects to Rise in Arms, and Levy War against Your Majesty; brought into this Kingdom great numbers of the French King's Subjects, Your Majesty's Open Enemies, to their Assistance; Murdered and Destroyed several Thousands of Your Majesty's good Protestant Subjects of this Kingdom, for no other reason but for their being of the Protestant Religion and Adhering to Your Majesty, and Her late Majesty, Your Royal Consort, and Encouraged an unnatural Rebellion throughout this Kingdom, which by the goodness of Almighty God, by the great Expence of the Treasure of England and the Blood of England, and this Kingdom, and the Extream Hazard of Your Majesty's Sacred Person, is reduced to Your Majesty's Obedience, and this Your Kingdom settled in perfect Peace; notwithstanding which, many of your Majesty's Irish Papists Subjects, have engaged with Your Majesty's Enemies, and several Thousands of them are actually in the French Kings Service against Your Majesty. May it please your Majesty that it may be Enacted;

And be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That all and every the Conventions, Outlawries and Attainders in this Kingdom, of any Person or Persons whatsoever, for High-Treason or Rebellion by him or them committed or done, not Reversed or Pardoned, before the Twenty Seventh Day of July, One thousand six hundred ninety seven, other then the Conventions, Outlawries and Attainders of Persons already adjudged, to be comprehended within the Articles of Limerick or Gallway, or either of them, who have not yet Reversed their Outlawries and Attainders, and other than the Outlawries and Attainders of such, who within the space of Two Years, to be accounted from the first Day of September, One thousand six hundred ninety seven, shall be adjudged to be comprehended within the said Articles, or any of them, shall be, and remain sufficient and effectual in Law for ever, to all intents, constructions and purposes, any Error, Insufficiency, or other Defect in form, or matter in them or any of them, to the contrary notwithstanding, and that no Judgment upon any Writ of Error or Plea, nor any Pardon from His Majesty, His Heirs or Successors, shall any wise Operate to the prejudice or to the invalidating of such Convention, Outlawry and Attainders, except such as are herein before excepted, any Law, Usage or Custom, to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That all and every Papist and Papists, or reputed Papist or Papists, that have been Guilty of the said Rebellion in this Kingdom against His Majesty, and Her late Majesty the Queen, and who by any Inquisition already taken, by the Oaths of Twelve good and Lawful

What Outlawries and Attainders shall stand good. This Clause declared to be mistaken, and to be 27th July, 1689. Stat. 10 Gul. 3 cap. 16.

What Papists shall be attainted and convicted by this Act.

Men, and returned, or that shall be taken by the Oaths of Twelve good and Lawful Men, and returned within the space of Two Years, from the first Day of September, One thousand six hundred ninety seven, hath, have or shall be found to have Dyed or been Slain, in their said actual Rebellion, before the Third Day of October, One thousand six hundred ninety one, shall by Authority of this Act, be Convicted and Attainted of High-Treason, and shall incur the Penalties and Forfeitures that Traytors Attainted by the Ordinary Course of proceedings in Cases of High-Treasons, by the Laws of this Realm, now in being, ought to suffer and undergo.

And be it further Declared and Enacted, That wheresoever any such Papist or Papists heretofore have been found to have been Slain, or to have Dyed in the said Rebellion, against His Majesty, and Her late Majesty the Queen, before the Third Day of October, One thousand six hundred and ninety one, by Inquisition taken upon the Oaths of Twelve or more good and Lawful Men of the County, where such Papist or Papists have committed such Rebellion and Treason; that the said Papist or Papists, or reputed Papist or Papists so found to have been Slain, or to have Dyed in Rebellion against His Majesty, and Her late Majesty the Queen, shall at all times hereafter be Adjudged and Deemed, and is and are hereby Declared to be Traytors Attainted, to all intents and purposes; and to have incurred all such Penalties and Forfeitures of Estate Real and Personal, from the time he or they shall by such Inquisition be found to have committed, or been Guilty of the said Rebellion and Treason, as if he or they had been Attainted of any such Rebellion and Treason, by Judgment upon Verdict or Outlawry.

A saving for
Protestants
Claiming un-
der such Pa-
pists.

Provided always, That nothing in this Act contained, as for, and concerning the Forfeiture of such Papist or Papists, or reputed Papist or Papists that Dyed, or were Slain in actual Rebellion, before the Third Day of October, One thousand six hundred and ninety one, shall extend or be construed to Extend to the prejudice of any person or persons being of the Protestant Religion, or professing to be of the Protestant Religion, the Tenth Day of April, in the Year of Our Lord God, One thousand six hundred and eighty nine, who hath continued so from that time hitherto, or till the time of his or their Death, claiming or deriving any Titles of Honour, by immediate Descent from such Papist or Papists as aforesaid, or who have or had any Estates, Real or Personal, by Descent or Purchase, Bona fide, made, or who have any real Incumbrances on such Papist or Papists Estate, for valuable Considerations, from or by such Papist or Papists as aforesaid Dead or Slain, in Rebellion; or from his or their Heirs, Executors, Administrators or Assigns, at any time since the Treason committed and done, and before the Sixth Day of June, in the Year of our Lord God, One thousand six hundred and ninety seven; but that such person or persons being of the Protestant Religion in manner as aforesaid, shall and may have, Hold and Enjoy, all and every his and their Title and Titles of Honour come to them respectively, by the Death of such Papist or Papists as aforesaid, Dead or Killed in the said Rebellion; as also all and every the Rights, Titles and Interests by Descent, Purchase or Real Incumbrance, from or by such Papist or Papists, or reputed Papist or Papists so Dead or Killed in Rebellion, or from his and their Heirs, Executors, Administrators and Assigns, or any of them, at any time since the said Rebellion committed and done, and before the Sixth Day of June aforesaid, any thing in this Act to the contrary notwithstanding.

Commis-
sioners to be ap-
pointed to
make Enqui-
ry in every
County, &c.

And be it further Declared and Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Lord Chancellor, Lord Keeper or Commissioners of the Great Seal of this Kingdom for the time being, at any time within two Years, to be Accounted from the first Day of September, One thousand six hundred and ninety seven, to Issue one or more Commission or Commissions, into all or any of the Counties of this Kingdom, to be Directed to the Escheator or Escheators, of such County or Counties, or to his or their Deputy or Deputies, Lawfully Authorized; or to such other Good and Lawful Men, as it shall seem meet to appoint Commissioners; whereof one of the Judges of the King's Bench or Common Pleas, or one of the Barons of His Majestys Court of Exchequer, shall be always one; to Enquire by the Oaths of Twelve or more Good and Lawful Men of the said County or Counties, what person or persons of the Popish Religion have Died or were Slain in the said Rebellion against His Majesty, and Her late Majesty the Queen, before the said Third Day of October, One thousand six hundred and ninety one; and what Estate or Estates, Real or Personal, such person or persons of the Popish Religion as aforesaid, so Dying or so Killed,

maunder,

was or were Seized or Possessed of, in Use, Trust, Possession, Reversion or Remainder, in such Country where such Enquiry shall be made, and such Commission Executed at the time of the Commitment of such Rebellion or Treason, or at any time after the same. In every of which Commissions, there shall be a Clause Inserted, requiring the said Commissioners to give publick Notice in the Chief Town of each County, of the time and place appointed for the Execution of such Commission, Twenty Days at least before the same shall be Executed.

Provided always, That it shall and may be lawful to and for any person or persons Claiming as Heir General, or as Heir, or Issue-Tail, or as Executor, Administrator or Assignee, to whom respectively the Title or Titles of Honour, or the Estate Real or Personal of the Person so found to have Dyed or to have been Killed in Rebellion, could have come but for the Inquisition aforesaid, found or to be found; and to and for any other person or persons, Bodies Politick or Corporate who shall be Agrieved by such Inquisition, to put in his or their Traverse or Traverses, denying that such person or persons Dyed, or was or were Slain in Rebellion, or to put in any other, his or their Traverse or Traverses, to any matter or thing contained in such Inquisition, within one Year next after the said First Day of December, One thousand six hundred and ninety seven, or within one Year next after the Returning and Filing of Record of such Inquisition as aforesaid, at the Election of the person Agrieved; and if the Traverse so to be Entered and Taken shall be Tryed, and the Jury that shall Try the same, shall find contrary to the said Inquisition, then and in such Case, such Inquisition shall become Void, and of none Effect in Law; and the said Traverser and Traversers shall Enjoy such his or their Title or Titles of Honour, and be restored and put into possession of such Estate, Real or Personal, as would to him or them have descended, remained or come by Course of Law, in the same manner as if no such Inquisition had been found, any thing herein contained to the contrary notwithstanding.

Parties Griev-
ed within
what time to
put in their
Traverses.

And if Verdict shall be given against the Traverser upon any Plea of Traverse as aforesaid, or if Judgment shall pass against such Traverser for Insufficiency of such his Traverse, or if he shall fail to proceed to Try the said Issue of Traverse, within One Year next after such Traverse shall be Filed, the said Inquisition and Finding, shall at all times hereafter stand, be and remain Firm and Valid, and be no way Impeached, Annulled or Set aside, any Law Custom or Statute to the contrary notwithstanding.

Upon what
failure, &c.
the Inquisi-
tion to remain
good.

Saving and Excepting herout, Women Covert de Baron, Persons within the Age of Twenty One Years, persons in Prisons, persons out of this Realm, else where then in the Dominions of the French King in Europe, and also all persons of Non sane Memory, all and singular which said persons, by the Authority aforesaid, shall have their and every of their Right and Title reserved and saved to them, and their Heirs, Executors and Administrators respectively, unto the time that they be and come of their full Age of One and Twenty Years, out of Prison within this Land, Uncovert, and of whole Mind.

Saving Covers
de Baron and
Infants, &c.

And the same Traverse or Traverses, may take and pursue within One Year after their coming of full Age of Twenty One Years, out of Prison within this Land, Uncovert, of whole Mind.

And also, be it Enacted by the Authority aforesaid, That all such Persons as be Covert de Baron, and every Person within the Age of Twenty One Years, in Prison or out of this Land, or of Non sane Memory, at the time of taking of the said Inquisition, and by this Act as aforesaid excepted, that they or their Heirs, Executors, Administrators or Assigns, according to their respective Rights and Interests may take his or their Traverse or Traverses, within One Year next after they respectively come and be of the Age of Twenty One Years, out of Prison, Uncovert, within this Land, and of Sane Mind.

And if they do not take their Traverse or Traverses within the said Year, and according to the Limitation, Method and Direction of this Act as aforesaid, that then they and every of them, and their Heirs, Executors, Administrators and Assigns, according to their respective Rights and Interests, are and shall be concluded by the said Inquisition and Finding, any thing in this Act to the contrary notwithstanding. And for the preservation of the Peace and Quiet of this Kingdom,

Be it Enacted by the Authority aforesaid, That if any Person or Persons, being His Majesty's Subject or Subjects, who have gone out of this Kingdom at any time since the Tenth Day of April, One thousand six hundred and eighty nine, during the late War with France, into France, or any of the French King's Dominions

What Sub-
jects return-
ing from be-
yond Seas shall
be guilty of
high Treason.

in Europe, other then such as have gone thither by His Majesty's particular License or Command, shall from and after the Twenty Third Day of October, One thousand six hundred and ninety seven, Voluntarily come or return from France, or any of the French King's Dominions in Europe into this Kingdom without His Majesty's, His Heirs or Successors, License or Leave under the Great Seal of this Kingdom, and that also, Subject to the Restrictions and Limitations herein after mentioned, and expressed for that purpose, had and obtained, and be thereof Convicted by due Course of Law: Every Person so Offending, shall be Taken, Deceived and Adjudged to be Guilty of High-Treason, and shall suffer such Penalties as in Cases of High-Treason, and shall and may be Indicted and Tried for the same, in such County of this Realm as His Majesty, His Heirs and Successors, by His or their Commission, under the Great Seal of this Kingdom shall appoint.

And be it further Enacted and Declared, That no License as aforesaid, shall be good and valid to any such Person or Persons, wherein the true Name and Surname, and place of Abode of such Person or Persons, where he or they Resided or Dwelt in Ireland, when he or they Dwelt or Resided in this Kingdom, is not mentioned and expressed.

In what form
their Licences
to be made.
What Recognizances they
are to enter
upon their
returns, &c.

And that no License as aforesaid, shall be valid or effectual to any more Persons therein contained then the Three first Named, in Case there shall be more then Three Named in one License.

And that before any such License shall pass the Great Seal of this Kingdom, the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal of this Kingdom for the Time being, are respectively hereby Directed, Required and Impowered, to take sufficient Security by Recognizance, for any Sum not under One Hundred Pounds, to be forthwith filed of Record in the High-Court of Chancery in this Kingdom, That each Party so to be Licensed as aforesaid, shall Annually pay during his Residence and Abode in this Kingdom, to the Bishop of the Diocess where such Person shall Reside whilst in this Kingdom, The Sum of Forty Shillings for the Benefit and Advantage of such School or Schools, as the said Bishop shall think most in want of Support and Maintenance in the said Bishop's Diocess: Upon failure and payment whereof, it shall and may be lawful to and for the Bishop of the said Diocess, to prosecute and recover the said Sum in the said Recognizance mentioned, and the same to lay out and dispose of, with the Approbation of the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal of this Kingdom for the time being, for the Benefit and Advantage of such School or Schools in the said Diocess.

Persons returned being
above the
Age of Sixteen Years to
whom they
are to surrender
themselves.

And be it further Enacted by the Authority aforesaid, That all and every of His Majesty's Subjects, who at any time since the Third Day of October, One thousand six hundred and ninety one, hath or have returned out of France, or out of any of the French King's Dominions in Europe into this Kingdom, shall on or before the first Day of May, One thousand six hundred ninety eight, Surrender him or themselves, to some one of the Judges of His Majesty's Court of King's Bench or Common-Pleas, or to some one of the Barrons of His Majesty's Court of Exchequer, and being of the Age of Sixteen Years, take the Oath of Allegiance, mentioned in an Act made in England, in the Third Year of His Present Majesty, and the Late Queen Mary, Intituled, An Act for the Abrogating the Oath of Supremacy in Ireland, and appointing other Oaths. And enter into Recognizance with sufficient Sureties, for his or their good Behaviour, for one Year thence to come; which said several Recognizances, shall be returned into His Majesty's Court of King's Bench, within Three Months next after they shall be taken, or shall enter into such Security as the said Judges or Barrons respectively shall think fit to require, that he, she or they, unless Licensed in manner and form aforesaid by His Majesty to continue here, shall within Twenty Days depart this Kingdom, and not return into the same without such License aforesaid.

The Penalty
upon neglecting

And in case any of His Majesty's said Subjects shall neglect or refuse to Surrender him, her or themselves, and to take the said Oaths, and to give such Security for their good Behaviour, or that shall not depart this Kingdom accordingly; every person so neglecting or refusing, shall Incur the danger and penalty of Premunire; and every person so returning without such License as aforesaid, shall Incur the danger and penalty of High-Treason, and shall suffer such pains and penalties as in case of High-Treason, and shall and may be Indicted and Tried for the same in such County of this Kingdom, as His Majesty by His Commission under the Great Seal of this Kingdom, shall appoint.

And

And be it further Declared and Enacted by the Authority aforesaid, That all and every the Estates, Rights, Titles and Interests, either in Law or Equity, in or to any Lands, Tenements or Hereditaments, of any person or persons being of the Protestant Religion, or professing to be of the Protestant Religion, on or before the Twenty Seventh Day of July, One thousand six hundred ninety seven, and hath continued so from that time hitherto, or till the time of his or their Death, shall be and remain of such Force and Effect in Law or Equity respectively, and no other then if this Act had not been made, any thing in this Act contained to the contrary notwithstanding.

Provided always, and be it further Enacted and Declared at the Humble and Earnest Request of James Earl of Tyrone, That nothing in this Act contained shall Extend or be construed to Extend, to confirm the Outlawry or Outlawries of the said James Earl of Tyrone, by the Name of James Power, of Curraghmore, in the County of Waterford, Esquire, but that the same shall be Subject and Liable to such Order and Directions for Reversal thereof, as His Majesty shall please to Declare touching and concerning the same, as if this Act had never been made, any Clause, Matter or Thing therein contained to the contrary notwithstanding.

A saving for the Estates of Protestants.

And whereas Thomas Lord Baron of Kerry, and John Lord Baron of Kingston, have both of them been in France since the said Third Day of October, One thousand six hundred ninety one, and have also since that time returned into this Kingdom, and Submitted themselves to His Majesty's Obedience and Government.

Be it Enacted by the Authority aforesaid, at the Humble and Earnest Request of the said Thomas Lord Kerry, and the said John Lord Kingston, That nothing in this Act contained, shall Extend or be construed to Extend, to their or any of their prejudice or prejudices, but that they and each of them, are hereby Declared to be Excepted out of this Act, any thing therein contained to the contrary notwithstanding.

To what Persons this Act shall not extend.

Provided always, That nothing herein contained shall Extend, or be construed, taken or expounded to Extend, to attain Mathew Plunkett, Esq; commonly called Lord Lowth, who Dyed during the Late Rebellion in this Kingdom, before the Third Day of October, One thousand six hundred ninety one, any thing in this Act contained to the contrary notwithstanding.

Provided always, and be it further Declared and Enacted, That nothing in this Act contained, shall Extend or be construed to Extend, to confirm the Outlawry or Attainder of Edmond Keating, of Narramore, in the County of Kildare, Esquire, nor to Abridge or Restrain His Majesty's Power of pardoning him the said Edmond Keating, both as to Life and Estate, any thing contained in this Act to the contrary notwithstanding.

Provided always, and be it Enacted by the Authority aforesaid, That nothing in this Act contained shall Extend or be construed to Extend, to confirm the Outlawry or Outlawries, Attainder or Attainders of Sir John Bellew, Knight, late Lord Bellew Baron Duleeke, Father of Richard Bellew, Esquire; Charles Lord Baltimore, and Robert Feilding, Esquire, or either of them, for any Crime or Crimes committed or done by them or either of them, since the Fifth Day of November, One thousand six hundred eighty eight; but that the same shall be Subject and Liable to such Orders and Directions, for Reversal thereof, as His Majesty shall please to Declare touching and concerning the same, as if this Act had not been made, any Clause, Matter or Thing therein contained, to the contrary notwithstanding.

Provided, That nothing in this Act contained, shall Extend or be construed to Extend, to Attain or Convict of High-Treason Nicholas late Earl of Carlingford, or his Brother John Taaffe, Esquire; or to Vest in or Forfeit to Your Majesty, Your Heirs or Successors, any Estate, Right, Title or Interest in Law or Equity whatsoever; which they the said Nicholas late Earl of Carlingford, or the said John Taaffe had or ought to have had, any thing in this Act contained to the contrary notwithstanding.

Provided always, That nothing in this Act contained shall Extend or be construed to Extend, to confirm the Outlawry or Outlawries, Attainder or Attainders of Nicholas French, of Abbart, in the County of Gallway, Esquire, for any Crime committed or done by him since the Fifth Day of November, One thousand six hundred eighty eight, but that the same shall be Subject and Liable to such Orders and Directions for Reversal thereof, as His Majesty shall please to Declare touching and concerning the same, as if this Act had not been made, any Clause, Matter or Thing, therein contained to the contrary thereof notwithstanding.

Provided also, That nothing herein contained shall Extend or be construed to Extend, to confirm the several Outlawries and Attainders of Edward Lord Baron of Athenree, and Lieutenant Colonel John Kelly, or either of them, for any Crime or Crimes committed or done by them or either of them since the fifth Day of November, One thousand six hundred eighty eight; but that the same shall be Subject and Liable to such Order and Directions for Reversal thereof, as His Majesty shall please to Declare touching and concerning the same, as if this Act had not been made, any Clause, Matter or Thing therein contained to the contrary thereof notwithstanding.

Provided always, That nothing herein contained shall Extend or be construed, taken or expounded to Extend, to Attaint Richard late Earl of Tyrone, Theobald late Lord Viscount Dillon, and Nicholas late Lord Viscount Nettervil, who Dyed during the late Rebellion in this Kingdom, before the third Day of October, One thousand six hundred ninety one, or any of them, any thing in this Act contained to the contrary notwithstanding.

Provided always, That nothing in this Act contained shall Extend or be construed to Extend any ways to confirm the Attainders or Outlawry of Edward Geoghegan, of Castletown, Kindaleene, in the County of Westmeath, Esquire, or to Obstruct or Hinder His Majesty's Gracious Intentions for the Reversal of the same.

Provided always, That nothing in this Act contained shall Extend to Abridge or Restrain His Majesty's Power of pardoning any person attainted of High-Treason, by Outlawry or otherwise, so as to save the Lives only of such person or persons.

And whereas Patrick Sarsfield the Elder, late of Lucan, Esquire, Deceased, stands Indicted and Outlawed for High Treason committed against His present Majesty, and Her Late Majesty Queen Mary.

Be it Enacted, That nothing in this Act contained shall Extend or be construed to Extend in any wise to confirm the said Outlawry or Attainder of the said Patrick Sarsfield the Elder; but that the said Attainder or Outlawry may be capable of being Reversed in the same manner as if this Act had never been made.

Provided always, That nothing in this Act contained shall Extend or be construed to Extend in any wise to confirm the Outlawry or Attainder, or Outlawries or Attainders of Henry Crofton, of Longford, in the County of Sligo; but that the said Outlawry or Attainder, or Outlawries or Attainders, may be capable of being Reversed in the same manner as if this Act had never been made.

Provided always, That nothing in this Act contained shall Extend or be construed to Extend, to confirm the Outlawries or Attainders of Barnaby late Baron of Upper-Ossory; but that the same may be capable of being Reversed in the same manner, as if this Act had never been made.

Provided always, That nothing in this Act contained shall Extend to confirm the Outlawry or Outlawries, Attainder or Attainders of Thomas Nugent of Streamstown, in the County of Westmeath, Gent. *alias*, Thomas Nugent, of London, Merchant, *alias*, Thomas Nugent, of Montserrat, in America, Merchant; but that the said Thomas Nugent, his Heirs, Executors and Administrators, shall and may have such and the like Remedy, Benefit and Advantage to all intents and purposes, for Reversing such Outlawry or Outlawries, Attainder or Attainders, as if this Act had never been made, any Clause, Article or Matter herein contained, to the contrary in any wise notwithstanding.

C H A P. XXXI.

An Act for making the Collectors Receipts for Quit-Rent, Crown-Rent, and other Rents due to the Crown, full and Legal Discharges for the same; and for Limitting their Fees thereon.

Whereas the several and respective Farmers of the Revenue of this Kingdom, since the Restauration of His late Majesty King Charles the Second; and the several Commissioners appointed since for the Management of the said Revenue, have thought fit for several weighty considerations, to Collect and Levy the Quit-Rent, Crown-Rent, Composition, and all other Rents due to the Crown by Collectors, by them appointed in the several Districts of this Kingdom, which was principally intended for the Ease of the Subject, by saving them the Trouble, Danger and Expence of sending their Money to Dublin, to be there paid into the Treasury.

And

And whereas several Scruples have arisen amongst His Majesty's good Subjects, which have made them doubt, whether the Acquittances given by such Collectors, were or ought to be sufficient Discharges to the Persons who have paid the said Rents, against His Majesty in any Prosecution made in his Name, in the Court of Exchequer, or elsewhere; for Levying and Recovering thereof, in case the said Collectors who have Received the same, have not duly Accounted for such Receipts with His Majesty, as in Duty they ought: For Remedy whereof,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That the several Acquittances already given by the Collectors or Receivers, duly authorized and appointed to Collect and Receive the said Quit-Rent, Crown-Rent, Composition-Rent, and other Rents: As also all Acquittances that hereafter shall be given by any such Collector or Receiver, during the time the said Collectors were, are or shall be so Employed, shall be Good and Valid in Law to all intents and purposes, against His Majesty, His Heirs and Successors. And that all such Acquittances so given or hereafter to be given, shall be as good and effectual to all intents and purposes, as an Exchequer Acquittance duly passed and entered in the several Offices of the Exchequer.

Their Acquittances for Quit-Rent, what validity in Law.

And be it further Enacted, That all and every the Collector and Collectors of the aforesaid Rents, shall upon payment of the same, or any part thereof, give and perfect to the Person so paying the same, a full and clear Receipt or Acquittance for what he shall Receive, in Parchment under his Hand; wherein he shall mention the Sum so by him Received, and for what Sales-Rent, and for what Land, and on what Account the same is paid to him. And for the Encouragement of the said Collectors to do their Duty therein, with all due Regard and Indulgence to the Country. And to prevent the Extortions and Oppressions which may be committed by their Bayliffs or Officers, on the Tenants liable to pay such Quit-Rent, Crown-Rent, Composition-Rent or other Rent.

After what form they are to make their Acquittances, and what they may demand and receive for the same.

Be it further Enacted by the Authority aforesaid, That the said Collectors, and every of them, may Demand and Receive the respective Fees hereafter mentioned and no more, or other Fee: That is to say, For every Acquittance they shall give for any the said Rents, for any Sum above Five Shillings, and not exceeding Twenty Shillings, the Sum of Six Pence, and no more, and for every Sum above Twenty Shillings, and not exceeding Five Pounds, the Sum of One Shilling, and no more, and for every Sum above Five Pounds, and not exceeding Fifteen Pounds, the Sum of One Shilling Six Pence, and no more, and for every Sum above Fifteen Pounds, the Sum or Fee of Two Shillings, and in no case to Receive any more for any one Acquittance then Two Shillings.

And whereas several Persons stand Charged with, or are obliged to pay several Rents, for several parcels of their Lands and Tenements, the same being Granted under several and distinct Rents, to themselves or others under whom they claim, for which formerly several Acquittances used to be given, though paid at the same time and by the same Person, for which said several Acquittances, distinct Fees have been paid, to the great charge of the Subject; For Remedy whereof,

Be it further Enacted by the Authority aforesaid, That where one Person stands charged with the payment of several and distinct Sums, in respect of several parcels of their Lands and Tenements, or where the same is in charge in the Name of other Persons, not in possession of such Lands, the several Collectors of this Kingdom within their respective Districts, shall on Receipt of the said Rents or any part thereof, give to the Person so in possession as aforesaid, and so paying the same one Acquittance for what he shall so pay, which Acquittance shall distinctly mention as well the Lands and Tenements, as the Rent so paid, and for what Sale the same is so paid, and by whom, for which one Acquittance, the said Collectors shall Receive no other or greater Fee then as aforesaid: And whereas the several Acquittances to be made and given pursuant to this Act, may be lost or mislaid, to the prejudice of the Person therein concerned: For prevention whereof,

Be it further Enacted by the Authority aforesaid, That all and every the Collector and Collectors of this Kingdom, shall every Year prepare a Book, wherein they shall Enter all the Receipts or Acquittances by them given, for all and every the aforesaid Rents, under their Hands, and in the presence of the Party paying the same, which Receipt, the said Parties or any other on his behalf may set their Names; for every which Entry, the said Collectors may Demand and Receive Two Pence

Receipts to be Entred in a Book, and when and where to be returned, &c.

Hence over and above the Fees aforesaid; which Book, the said Collectors and every of them respectively, shall yearly before the Stating of their Accounts, return under their Hands and on their Oaths, into the Office of the Auditor-General, where the same shall remain and be kept, not only as a charge on such Collectors respectively, but also as a Discharge to the Subject, for all Sums thereby appearing to be paid as aforesaid.

C H A P. XXXII.

An Act for taking away the Benefit of Clergy in some Cases.

Clergy in
what Cases
not to be al-
lowed.

Forsomuch as divers Wicked and Ill-disposed Persons, are Encouraged to commit Robberies upon Mens Persons, and in their Houses, and other Offences, by the privilege as the Law now is of demanding the Benefit of their Clergy.

Be it therefore Enacted by the King's Most Excellent Majesty, and by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That all and every Person or Persons, that shall at any time from and after the first Day of May, in the Year of our Lord, One thousand six hundred ninety eight, Rob any other Person, or shall feloniously take away any Goods or Chattels being in any Dwelling-House, the Owner or any other Person being therein and put in fear; or shall Rob any Dwelling-House in the Day time, any Person being therein; or shall Comfort and Abet, Assist, Conceal, Hire or Command any Person or Persons to commit any of the said Offences; or to Break any Dwelling-House, Shop or Ware-House thereunto belonging, or therewith used in the Day time, and feloniously take away any Money, Goods or Chattels of the Value of five Shillings, or upwards therein being, altho' no Person shall be within such Dwelling-House, Shop or Ware-House; or shall Counsel, Hire or Command any Person to commit any Burglary, being thereof Convicted or Attainted, or being Indicted thereof, shall stand mute or will not directly answer to the Indictment; or shall peremptorily challenge above the Number of Twenty Persons returned to be of the Jury, shall not have the Benefit of his or their Clergy.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever be Indicted of any Offence, for which, by Virtue of any former Statute, he or they are Excluded from having the Benefit of his or their Clergy, if he or they had been thereof Convicted by Verdict or Confession; such Person and Persons, if he or they stand mute, or will not answer directly to the Felony, or shall challenge peremptorily above the Number of Twenty Persons returned to be of the Jury; or shall be Outlawed thereupon, shall in like manner be Debarred of the Benefit of his or their Clergy, as if he had been Convicted of such Offence, by Verdict or Confession.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons hereafter be Indicted of Felony, for Stealing any Goods or Chattel, in any County within this Realm of Ireland, and thereof be Convicted or Attainted; or upon his or their Arraignment shall stand Mute, or will not directly answer to the Indictment; or shall challenge peremptorily above the Number of Twenty Persons returned to be of the Jury, he or they shall be totally Excluded from having the Benefit of his or their Clergy. If it appear upon Evidence or Examination before the Justices, that the said Goods or Chattels were taken by Robbery or Burglary, or in any other manner in any other County; whereof if such Person or Persons had been Convicted by a Jury of the said other County, he or they are Excluded by Virtue of this or any other Act, from having the Benefit of his or their Clergy.

And forasmuch as Thieves and Robbers are much Encouraged to commit such Offences, because a great Number of Persons make it their Trade and Business to Deal in the Buying of Stolen Goods.

Be it therefore Enacted by the Authority aforesaid, That if any Person or Persons shall Buy or Receive any Goods or Chattel, that shall be feloniously Taken or Stolen from any other Person knowing the same to be Stolen, he or they shall be taken and deemed an accessory or accessories to the Felony after the Fact, and shall incur the same punishment as an accessory or accessories to the Felony, after the Felony committed.

And

And whereas it is a frequent practice for Idle and Disorderly Persons to Hire Lodgings, with an intent to have an opportunity to take away, imbezle or purloin the Goods and Furniture being in such Lodgings.

Be it therefore Enacted and Declared by the Authority aforesaid, That if any Person or Persons shall take away with an intent to Steal, Imbezle or Purloin any Chattel, Bedding or Furniture, which by Contract or Agreement, he or they are to use, or shall be Lett to him or them to use, in or with such Lodging, such Taking, Imbezling or Purloining, shall be to all intents and purposes taken, reputed and adjudged to be Larcenary and Felony, and the Offender shall Suffer as in case of Felony.

And whereas by the Laws of this Realm, Women Convicted of Felony for Stealing of Goods and Chattel of the Value of Ten Shillings and upwards, and for other Felonies where a Man is to have the Benefit of his Clergy, are to Suffer Death.

Be it therefore Enacted and Declared by the Authority aforesaid, That where a Man being Convicted of any Felony, for which he may demand the Benefit of his Clergy, if a Woman be Convicted for the same, or like Offence, upon her Prayer, to have the Benefit of this Statute, Judgment of Death shall not be given against her upon such Conviction or Execution, Awarded upon any Outlawry for such Offence, but shall Suffer the same punishment as a Man should Suffer, that has the Benefit of his Clergy allowed him in the like case; that is to say, shall be Burn'd in the Hand by the Goaler in open Court, and further be kept in Prison for such time as the Justices in their Discretion shall think fit, so as the same do not exceed one Years Imprisonment.

A Woman to be burnt in the Hand, where a Man may have his Clergy.

And forasmuch as such Men who have once had their Clergy, and such Women who shall once have the Benefit of this Statute, may happen to be Indicted for an Offence committed afterwards in some other County,

Be it therefore Enacted, That the Clerk of the Crown, Clerk of the Peace or Clerk of the Assizes, where such Man or Woman shall be Convicted, shall at the request of the Prosecutor, or any other in His Majesty's Behalf, Certifie a Transcript Briefly and in few Words, containing the Effect and Tenor of every Indictment and Conviction of such Man or Woman, of his having the Benefit of the Clergy, or her having the Benefit of this Statute, and addition of every such Person or Persons, and the certainty of the Felony, and Conviction to the Judges and Justices in such other County where such Man or Woman shall be Indicted; which Certificate being produced in Court, shall be a sufficient proof that such Man hath before had the Benefit of his Clergy, and such Woman hath had the Benefit of this Statute.

Certificates of Clergy granted when and by whom.

And forasmuch as since the Late Rebellion in this Kingdom, the Stealing of Cows, Sheep and other Cattle, hath been more frequent then heretofore, so as it is become necessary in Order to prevent the committing Offences of that kind, that the Benefit of the Clergy should for some time be taken away from such Offenders.

Be it Enacted by the Authority aforesaid, That if any Person or Persons shall from and after the said first Day of May, in the Year of our Lord, One thousand six hundred ninety eight, feloniously Steal or Take away any Cow or Cows, Sheep or other Cattle, and shall be thereof Convict by Verdict or Confession, or shall stand mute, and will not directly answer to the Felony, or shall challenge peremptorily above the Number of Twenty Persons, or shall be Outlawed thereupon, such Person or Persons if such Offence shall exceed the crime of petty Larceny, or the Cattle Stolen shall be of greater Value then Twelve Pence Sterling, shall not be allowed the Benefit of his or their Clergy, but be wholly Dusted from the same.

Provided always, That this Act shall not continue and be in Force, as to the Stealing of such Cow or Cows, Sheep or Cattle, for Three Years next ensuing, and no longer.

C H A P. XXXIII.

An Act for Granting a Supply to His Majesty, by Raising Money by way of a Poll.

An Act to Supply the Defects, And for the better Execution of An Act passed this present Session of Parliament, Entituled, *An Act for the better suppressing Tories and Rapparees; and for preventing Robberies, Burglaries and other Heinous Crimes.*

Vhereas an Act made in this present Session of Parliament, Entituled, *An Act for the better suppressing Tories and Rapparees; and for preventing Robberies, Burglaries and other Heinous Crimes*: Hath not had it's due Effect, by reason there is not in the said Act, sufficient Provision made for prevention of Murthers and Pains, that shall or may be committed by such Robber, Tory or Rapparee. As also, by reason of other Defects in the said Act, and some Doubts arisen on the same, and Difficulties in prosecution thereof.

For Remedy therfore of the said Defects, Explaining the said Doubts, and rendering the Execution of the said Act more Easy,

What Damages shall be given, and how raised and paid where any one murthered or maimed by Rapparees, &c. and they not taken to be Prosecuted,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, that where any Person or Persons, shall at any time after the Sixth of November, One thousand six hundred ninety seven, be Murthered, Maim'd or Dismembred by any Robber, Tory or Rapparee, and the Offender or Offenders, or the Major part of them shall not be killed or Apprehended, and brought before some Justice in the Peace or other Magistrate, within Six Calendar Months next after the Committal of such Offence, in Order to his or their being Prosecuted for the same according to Law. The respective Grand Juries of the several Counties of this Kingdom where such Fact shall be committed; shall and are hereby required at any Assizes to be held for such County, within one Year after such Fact committed, to present and charge upon the Popish or Protestant Inhabitants of such County respectively and proportionably, according as the Number of such Robbers, Tories or Rapparees, shall be Papists or reputed Papists or Protestants, as is herein after mentioned, the Sums following (that is to say) in case of Murther, such Sum or Sums of Money not Exceeding Twenty Pounds; and in Case of Maim or Dismembering any Person, such Sum or Sums of Money not exceeding Ten Pounds, as such Grand-Juries on Consideration had of the Quality of the Person Murthered, Maimed and Dismembred, and Circumstances of his Family shall think fit; such Sum in Case of Murther, to be paid to and for the use of the Widow and Children of the Party Murthered; or if he shall not be Married at the time of his Death, then to the use of his Children or other next Relation; And in Case of Maim or Dismembering of any Person, then such Sum to be paid to the use of the Person or Persons so Maimed or Dismembred; or if he shall Dye before the Recovery thereof, then to the use of his Widow, Children or other Relations respectively, as is aforesaid in Case of Murther: The said Sum or Sums, not be Assets in the Hands of such Widow, Children or Relations, are liable to answer or satisfy any Debt or Debts of the Party Deceased; which Sum so to be presented, shall be paid by such, and born by the Persons in manner, and according to the proportions following (that is to say) where such Robbers, Tories or Rapparees are or shall be Papists, or Reputed of the Popish Religion, by the Papist inhabitants of such County; and where such Robbers, Tories or Rapparees are or shall be Protestants, or Reputed to be of the Protestant Religion, by the Protestant Inhabitants of such County, and where the said Facts shall be committed by Papists and Protestants, then by the Popish and Protestant Inhabitants of such County, in such proportion, and according to the Number of such Papists and Protestants as shall commit the same. For the Levying of which Sum, such Process, in the Nature of an Execution, shall Issue on such Presentment against any one or more of the Persons chargable therewith, and such Contribution had, Taken and Levied for his Relief against all the other Persons chargable therewith, as is herein after appointed in Case of Satisfaction recovered for Losses or Injuries suffered by such Robbers, Tories and Rapparees.

Persons Robbed by Tories, &c.

What Remedy to be taken

And whereas the Method appointed by the said former Act, for the Person or Persons Robbed or Damified by such Robbers, Tories or Rapparees, to recover Satisfaction for such Damage, is Tedious, Difficult and Chargable.

Be it Enacted by the Authority aforesaid, That in all Cases where any Person or Persons is by the former Act Intituled to recover Amends or Satisfaction for any

any Loss or Damage Incurred or Suffered by any Robber, Tory or Rapparee; such Person shall or may pursue his Remedy for Recovery of such Satisfaction or Amends, at the next Assizes to be held for the said County, where such Offence was committed, before the Judge or Judges of Assize, and Grand Jury of the said County, to be Impanneled and Sworn at the said Assizes, in the Method following: That is to say, The Person or Persons so Robbed, shall at the said Assizes Exhibit and Deliver to the said Judge or Judges of Assizes, his or their Petition, therein praying such Satisfaction, and shall set forth in such Petition, the time and place, when and where such Robbery was committed, or other Injury done to him or them, the several particular Goods Lost, or other particular Damages Suffered by him or them, and the particular Value thereof, and by what Number of Persons such Robbery was committed or Injury done, and of what Religion such Offender or Offenders or any of them were, with the Names and Descriptions of such of the said Offenders as he doth know, and such particular Descriptions of such others of them as he can give; and the said Matter shall thereupon be Examined by such Judge or Judges of Assizes in open Court, in the presence of such Grand-Jury, on the Oath of the Party Robbed or Injured, and such other Evidence as can be produced touching the said Facts according to the Nature thereof; and the said Grand-Jury shall thereupon, and are hereby required on Consideration of the said Matter amongst themselves, to make such presentment touching the same, and of such Sum or Sums of Money, as the Person or Persons so Robbed or Injured by such Offenders ought to have or receive for such Loss, Injury or Damage, and by what Persons, whether Papists or Protestants, and in what proportions for each of them, the same ought to be paid, for which Sum so presented and set, Process shall Issue, in the Nature of an Execution against any Inhabitant or Inhabitants of the said County, chargeable therewith, and all and every the Inhabitants of the said County, who shall by such presentment be made chargeable with, or liable to all or any part of the said Damages, shall be ratably and proportionably Taxed for and towards an equal Contribution for Relief of such Inhabitant or Inhabitants, against whom such process in the Nature of an Execution is had; which Tax shall be Made, Levied and Raised by such Ways and Means, and in such Manner and Form, as is prescribed and mentioned in a former Statute, Intituled, An Act for the following Hue and Cry, made in the Tenth and Eleventh Year of the Reign of King Charles the First, in this Kingdom.

Provided always, and it is hereby Enacted, That if any Person or Persons shall find him or themselves Agrieved by any presentment to be made in pursuance of this or the former Act, such Person or Persons in Case the Sum presented to be Raised, do exceed the Sum of Five Pounds, shall or may at the said Assizes Traverse the same, which Traverse shall be Tryed at the same or the next ensuing Assizes, as the Judge or Judges who shall allow the same shall think fit: And if on such Traverse, the Issue shall be found for the Traverser, such Presentment shall be Discharged; and if the Issue shall thereupon be found against the Traverser, he or they so Traversing shall pay to the Person or Persons on whose behalf the Presentment was made, the Sum of Twenty Shillings for the Costs of such Traverse, and the said Presentment shall thereupon be Final and Conclusive to all Persons.

Provided further, and it is hereby Enacted, That where the person or persons so Robbed or Injured, doth intend to proceed to recover satisfaction for the same at any Assizes, against the Popish or Protestant Inhabitants of any Barony, such person or persons shall leave Notice in Writing with the High-Constable of such Barony, of such his Intentions, and against what Inhabitants, whether Papists or Protestants, by the space of Eight Days at least before such Assizes, to the end that such High-Constable may give publick Notice thereof to the Inhabitants of the said Barony, designed to be charged therewith, that they may be provided and have an opportunity to bring Evidence for themselves, and Oppose the making such Presentment, or otherwise may Traverse such Presentment after the same is made, if they shall think fit.

And it is hereby further Provided, That no such Presentment to be hereafter made, shall at any time be removed by Certiorari, or the Prosecution thereupon or otherwise delay'd, then by such Traverse as aforesaid; and that for such time only as shall be necessary for the Tryal of such Traverse as aforesaid; nor shall any such Presentment be at any time quashed for any Informality, Imperfection or Defect in Form whatsoever.

ken for their Damages.

The Remedy for Persons Agrieved.

Notice to be given in writing (by persons intending to sue by Petition for their Damages) of their intentions.

Presentment's not to be removed nor quashed for want of form.

How the
Goods shall
be disposed if
discovered
and gotten
after the par-
ty has recei-
ved satisfacti-
on.

Provided further, and it is hereby Enacted, That when and as often as any of the Goods for which the party so Robbed hath received satisfaction by such Presentment as aforesaid, shall be discovered, so as the same, or satisfaction for them may be recovered, the person or persons upon whom the Sum so presented as aforesaid was Levied, shall have the same and the Property thereof, is hereby Declared and Enacted to belong unto, and be Vested in him or them, and he or they shall or may maintain such Action, and pursue such Remedy for the recovery and getting such Goods as the person or persons Robbed might have, had or maintained, before such Satisfaction received by such Presentment for the same as aforesaid: Such Goods nevertheless after the same shall be so gotten or recovered, to be Sold for the most the same will yield, and the Money made by such Sale, after the Charges for the recovery thereof are Deducted, to be distributed and paid equally and proportionably unto and among the several persons so Taxed; towards the payment of the Sum contained in the said Presentment according to each of their said several Taxations towards the relief of the persons on whom the Sum presented was Levied; such Sale and Distribution, to be Directed, Settled and Ordered by the Justice or Justices of the Peace Signing such Taxation; who are hereby Authorized and Required to Direct, Settle and Order the same accordingly.

Clerks of the
Crown to de-
liver Copies
of Present-
ments, War-
rants, Orders,
&c. to such as
require them.

And it is hereby further Enacted by the Authority aforesaid, That the Clerk of the Crown for the County where such Presentment shall be made, shall on request to him made, make and deliver to any person or persons desiring the same, true Copies Signed by him of all such Presentment hereafter to be made, in pursuance of this or the said former Act; And of all Warrants or Orders for the Levying of any Money grounded thereupon; for each of which, there shall be paid to the said Clerk of the Crown, the Sum of One Shilling only, and no more, and such Clerk of the Crown, is hereby required to make and deliver the same accordingly.

No Proceed-
ings made in
pursuance of
the former
Act to be an-
nulled or
made void by
this Act.

Provided always, That this Act or any thing herein contained, shall not Extend or be construed to Extend, to Annul or make Void any Verdict, Judgment or other Proceedings already had or obtained in pursuance of the said former Act; but that the same shall continue and be as good and effectual to all intents and purposes, as if this Act had never been made, any thing herein contained to the contrary thereof in any wise notwithstanding.

No Action to
be brought
for any Rob-
bery, &c. for
which Remedy
is given by
either of
these Acts.
What disco-
very and
when to be
made by a
Robber or
Burglar shall
save him
from being
prosecuted.

Provided always, and it is hereby further Enacted, That during the continuance of this and the said former Act, no Action or Suit shall be brought or prosecuted, for recovery of any Satisfaction or Damages for any Robbery committed, or Loss or Injury sustained, for which, Remedy is given by this or the said former Act, or any other Law or Statute whatsoever.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons who already hath, or hereafter shall commit any Robbery or Burglary, shall while he is at Large, and before he shall be Apprehended, or in Custody for such Offence, make Discovery of any Two or more of such Robbers, Tories or Rapparees, being also at Large and not in Custody, so as such Two or more Robbers, Tories or Rapparees, shall thereupon be Apprehended and Convicted for such Offence, or shall kill any Two or more of such Tories or Robbers, as shall be Indicted and Proclaimed according to the said former Act, and be out on their keeping, at the time of such their being killed, the person or persons so making such Discovery, or killing such Robbers or Tories as aforesaid, shall not be proceeded against for any Robbery or Burglary by him or them committed, before the making such Discovery or such killing as aforesaid; but shall be Intituled unto, and shall have and receive His Majesty's Gracious Pardon for the same; which Pardon shall in such Case also be a good Bar to any Appeal to be brought for such Robbery or Burglary; and for that it hath and may be doubted, whether on the bringing such Proclaimed Tory, Rapparee or Robber to the Barr, before such Judge or Judges as are Impowered to Try and pass such a Sentence on him, it be requisite to give in Evidence against him, the Original Presentment made by the Grand-Jury of his being a Tory, Rapparee or Robber out on his keeping, according to the intent and meaning of the said former Act: And also it hath and may be doubted, whether the Original Proclamation under the Great Seal, grounded on such Presentment, must be produced in Evidence against him, or whether the Printed Proclamation Reciting such Presentment to be made and returned to the Clerk of the Council, of his the said Tories, Rapparees or Robbers being so Presented, shall be sufficient Evidence at Law, wherein to give Judgment against him.

For clearing whereof, and that for the future so good and necessary a Law, for the quiet and Preservation of His Majesty's good Subjects against such Proclaimed Tories, Rapparees and Robbers, may not by any such Scruples and Pieties be Eluded, or the Execution thereof delay'd.

Be it Enacted by the Authority aforesaid, That at all times hereafter during the continuance in Force of this or the said former Act, the Printed Proclamation where-
 in any person is named or mentioned to be Presented by a Grand-Jury of any County in this Kingdom, at the General Assizes or Quarter-Sessions held for the said County, to be a Tory, Rapparee or Robber, out on his keeping, shall be Taken, Deemed and Adjudged sufficient Evidence against such Tory, Rapparee or Robber.

Persons Pro-
claimed to be
Tories, Rapparees
or Robbers, shall be
a sufficient
evidence a-
gainst them.

Provided, That before such Proclamation so given in Evidence, the Clerk of the Council for the time being or his Deputy, do Certifie under his Hand and Seal on the Back of such Proclamation, That he hath such Presentment as by the said Act is required, returned to him and remaining in his Office wherein the said Tory, Rapparee or Robber is by Name Presented to be a Tory, Rapparee or Robber, out on his keeping, by the same Name that he is named or stiled in the said Proclamation, and that the said Proclamation was grounded thereon, and that the Original Proclamation under the Great Seal, agrees Verbatim with the Printed Proclamation whereon he has Written such his Certificate, which Proclamation with such Certificate Endorsed thereon, the said Clerk of the Council for the time being or his Deputy, shall send to the several Clerks of the Crown in this Kingdom, without any Fee or Reward.

The Clerk of
the Council
or his Deputy
on the back
of the Procla-
mation.

And be it further Enacted, That this and the former Act shall continue in Force for Seven Years from the Sixth of November, One thousand six hundred ninety seven, and to the End of the next Session of Parliament, after the Expiration of the said Seven Years, and no longer.

C H A P. XXXV.

An Act for the preventing Frivolous and Vexatious Law-Suits; And giving Remedy to the Parties Grieved, to Recover their Costs at Law in certain Cases, where heretofore no Costs were given.

Whereas it is found by Daily Experience in the Courts at Law, That Divers Malicious and Evil Disposed Persons, on purpose without any just Cause of Suit, do make several Innocent persons Defendants jointly with others, against whom they conceive they have good cause of Action; and so though such Innocent person or persons so joyned in the said Action shall be found (not Guilty) and Acquitted of the said Action; yet if any other of the Joint Defendants shall be found Guilty, and a Verdict pass against them by the Common Laws of this Realm; such Defendant or Defendants so Acquitted after all his or their Trouble and Expence in defending such Action, is without Remedy to recover any Costs of Suit against such Plaintiffs, for such his or their unjust Vexation, contrary to all Reason and Justice, for Remedy whereof,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the first Day of May, which shall be in the Year of Our Lord God, One thousand six hundred and ninety eight; if any person or persons shall be made Defendant or Defendants with others in any Action, Suit or Plaint, in Trespass Quare Clausum Fregit, or Trespass of Assault and Battery, and such person or persons so joyned in such Action, shall upon Tryal of the same be Acquitted by Verdict, altho' the other Defendant or Defendants in such Action shall be found Guilty, and a Verdict pass against him or them therein, every such person and persons so Acquitted, shall have and recover his and their Costs of Suit, for such his and their unjust Vexation, as if a Verdict had been given against such Plaintiff or Plaintiffs, or a Verdict had been given for all the Defendants in such Action, unless the Judge or Judges before whom such Cause shall be Tryed, shall immediately after the Tryal thereof in open Court, Certifie upon the Record under his Hand, That there was a reasonable Cause for the making such person or persons, Defendant or Defendants to such Action or Plaint.

And whereas by the Law as it now stands, no costs of Suit can be awarded or given to any Person or Persons, in any Action that shall happen to recover or have

any Judgment given for him upon any Demurrer in Law, by reason whereof many contentious Persons make use of such manner of Delays, on purpose to keep others from their just Right, or otherwise intending thereby to weary them into some small composition, for what is really due unto them.

For Remedy whereof, be it further Enacted, That if at any time from and after the said First Day of May, any Person or Persons who shall commence or prosecute any Action or Plaint in any Court of Record, whereupon any Demurrer or Demurrers shall be joined by any Plaintiff or Defendant, Demandant or Tenant in any such Suit or Suits, he or they from whom Judgment or Judgments shall be given upon any such Demurrer or Demurrers, shall have and recover his and their costs of Suit, to be awarded by the Court in such like manner as if such Judgment or Judgments had been given, or recovery had by such Party or Parties upon Action Tried by Jury, and Verdict passed for such Party therein; and that if any Person or Persons from and after the First Day of May, as aforesaid, shall obtain such or any other Judgment or Judgments in any His Majesty's Courts of Record in this Kingdom, or any the Courts of the County Palatine of Tipperary, and the Person or Persons against whom such Judgment or Judgments shall be so given, shall in delay of Execution thereupon, and with intent to annul such Judgment or Judgments, Sue forth any Writ, Writs of Error; and afterwards the said Judgment or Judgments shall be affirmed, or the said Writ or Writs of Error discontinued, or the Plaintiff or Plaintiffs therein become Non-Suit; that then and in every such case, the Party or Parties against whom such Writ or Writs shall be so brought, shall recover his and their costs and damages, at the discretion of the Justices before whom such Writ or Writs shall be so Sued, and to have Execution for such his or their damages or costs, so recovered by Writs of Capias ad Satisfaciendum, Fieri Facias, or Elegit, or any of them, at the Election of such Party or Parties for whom such damages and costs shall be so awarded.

And whereas by the Laws of this Realm, no costs of Suit are recoverable in any Action of Waste or Debt to be brought upon the Statute, for not Setting forth of Tithes, nor in any Writ of Scire Facias, or Prohibition, which hath been found very mischievous and prejudicial to the Sutors in such Actions, and such Persons as for the recovering their just Rights have been forced to Sue forth the same. For Reformation whereof for the future,

Be it further Enacted by the Authority aforesaid, That from and after the First Day of May aforesaid, if any Person or Persons bring any Action of Waste or Action of Debt upon the Statute, for not Setting forth of Tithes, in which said several Actions, the single Value or Damage found by the Jury or Juries in any such Action, shall not exceed the Sum of Three Pounds, the Plaintiff or Plaintiffs recovering either by Judgment upon Verdict, or Demurrer in such Action or Actions, shall likewise have and recover his and their costs of Suit at the like discretion of the Justices before whom such Writ or Writs shall be brought, and Judgment or Judgments therein given, as also if any Person or Persons shall after the time aforesaid, Sue forth any Writ or Writs of Scire Facias, or commence any Suit or Suits in prohibition, and recover and have Judgment in the same, either by Verdict or upon Demurrer; every such Plaintiff or Plaintiffs so recovering, shall likewise have and recover his and their costs of Suit in such Action or Actions, at the discretion of the Justices before whom such Recovery shall be so had; and if it shall happen in any the Suits aforesaid, that the Plaintiff or Plaintiffs in such Action or Actions shall become Non-Suit, or Verdict or Verdicts pass against him or them in such Suit or Action, or he or they shall discontinue such his or their Suit or Action: Then (in all such Cases) the Defendant or Defendants in such Action or Actions, shall have and recover his and their costs of Suit in such manner as such Plaintiff or Plaintiffs should have done, if he or they had recovered and had Judgment given for them in such Action or Actions as aforesaid, any Law, Custom, Practice or Usage, to the contrary thereof in any wise notwithstanding.

And that in all the Actions aforesaid, where any of the party or parties to the same shall so recover their costs of Suit, it shall and may be Lawful to and for them or any of them, to Sue forth Execution for such his or their costs by Writs of Capias ad Satisfaciendum, Fieri Facias, or Elegit, as aforesaid.

And for the preventing Willful and Malicious Trespasses, to be brought for the future,

Be it further Enacted, That from and after the First Day of May aforesaid, in all Actions of Trespas to be Commenced and Prosecuted in any of His Majesty's Courts of Record at Dublin; wherein at the Tryal of the Cause it shall appear,
and

and be certified by the Judge or Judges before whom such cause shall be Tried, under his or their Hands, on the Back of the Record, that the Trespass upon which any Defendant shall be found Guilty, was Willfully and Maliciously committed; In every such case the Plaintiff shall not only recover his Damages assessed by the Jury, but his full costs of Suit, to be Taxed for him by the Direction of the Court where such Action shall be Tried.

Provided nevertheless, That no alteration of the same shall be made in any the cases aforesaid, where any Executor or Administrator shall be Defendant in any the Actions or Suits aforesaid, so at any time hereafter to be brought against them; but that in all such cases, they shall not be Liable or Subject to payment of any costs of Suit otherwise, or in any other manner then as the Law now requires.

And for the preventing the abatement and discontinuance of Process for the future in certain cases, and the helping the Law in the particulars following,

Be it likewise Enacted by the Authority aforesaid, That in all Actions to be commenced or brought in any Court of Record within this Kingdom, from and after the first Day of May aforesaid, if it shall happen that any person or persons, being Plaintiff or Plaintiffs in such Action or Actions, shall Dye after he or they shall have obtained any Interlocutory Judgment or Judgments in such Action or Actions, and before a full and final Judgment or Judgments given therein, the Death of such Plaintiff or Plaintiffs shall not abate such Action or Actions, or hinder the further proceedings of such Cause; but that notwithstanding such Dying of such Plaintiff or Plaintiffs, his or their Executors or Administrators, may proceed to final Judgment against the Defendant or Defendants, in such Action or Actions as is hereafter set forth. (If such Action or Actions shall happen to be such as by Law may or might have been commenced or maintained Originally by any Executor or Administrator) as such Plaintiff or Plaintiffs aforesaid, might have done if alive. And if it shall happen, that in any such Action or Actions, the Defendant or Defendants in the same shall Dye after such Interlocutory, and before such final Judgment or Judgments obtained as aforesaid, such Dying shall not abate such Action or Actions; but that then notwithstanding the Death of such Defendant or Defendants, it shall and may be Lawful to and for such Plaintiff or Plaintiffs in such Action or Actions if Living, and if Dead, his Executor or Administrator to prosecute such their Action or Actions against the Executors or Administrators of such Defendant or Defendants, and proceed against them to final Judgment therein, as is likewise hereafter in that behalf set forth and provided; as if the said Defendant or Defendants themselves had been Living; if such Action or Actions be such as may or might by Law be Originally brought and prosecuted against an Executor or Administrator.

And that in case of the Death of such Plaintiff or Plaintiffs as aforesaid, it shall and may be Lawful to and for his and their Executors or Administrators, or any of them, to Sue forth and Prosecute one or more Writ or Writs of Scire Facias, against the Defendant or Defendants in such Action or Actions, if then Living, or if Dead, against the Executors or Administrators of such Defendant or Defendants, for reviving and continuing such Suit or Suits, till Judgment final shall be given therein; and in case of the Death of such Defendant or Defendants as aforesaid, it shall and may be Lawful to and for such Plaintiff or Plaintiffs (if Living) and if Dead, his or their Executors or Administrators, or any of them, in like manner to Sue forth and Prosecute one or more Writ or Writs of Scire Facias, against the Executors or Administrators of such Defendant or Defendants, for reviving and continuing such Suit or Suits till Judgment final shall be given therein as aforesaid; the Effect of which said Writ or Writs of Scire Facias shall be for the party or parties against whom the same shall be awarded, to shew cause why notwithstanding such the Death of any the parties to such Suit or Suits aforesaid; the Plaintiff or Plaintiffs in the said Writ or Writs of Scire Facias, his or their Executors or Administrators, should not proceed to Judgment final therein, for the recovery of such Debt or Damage, for which such Action or Actions was at first brought. And if at the return of such Writ or Writs of Scire Facias, the Defendant or Defendants named therein, shall appear but not shew sufficient cause to Stay or Arrest the Judgment final, or in default of such appearance, it shall be returned, that such Defendant or Defendants were duly warned, or after two such Writs of Scire Facias returned: It be returned that the said Defendant or Defendants could not be found in the Bailiwick where such Summons issued, or that they had nothing in the said Bailiwick, by which they or any of them

them could be Summoned, that then in every such case, one or more Writ or Writs of Inquiry of Damage shall be awarded for the Plaintiff or Plaintiffs, in such Writ or Writs of Scire Facias, against such Defendant or Defendants therein named; upon return of which said Writ or Writs of Inquiry duly Executed, Judgment final shall be given for every such Plaintiff or Plaintiffs, against every such Defendant or Defendants, in such Writ or Writs of Scire Facias, as aforesaid.

And be it further Enacted for the purposes aforesaid, That if at any time after the time Limited as aforesaid, Two or more persons shall be Jointly Plaintiffs in any Action or Actions against Two or more persons, likewise Jointly named Defendants therein, the Death or Deaths of One or more of such Plaintiff or Plaintiffs, or such Defendant or Defendants, shall not abate such Writ or Writs in such Action or Actions; but that the same being Suggested upon the Roll or Record of such Action or Actions, it shall and may be Lawful to and for the Surviving Plaintiff or Plaintiffs in such Action or Actions, to proceed to Judgment against the Surviving Defendant or Defendants in the same, as if such Death had not been.

And whereas by the Law as it now stands, if any Action or Suit be commenced or brought upon any Bond or other penal Sum for performance of covenants or other agreements in any Deed or Indenture; the party that brings the same can assign only One Breach of Covenant, although there are in Truth several Breaches committed, of which the party Plaintiff in such Action can have no Benefit or Reparation, notwithstanding that he is really Damned by reason thereof. For Remedy whereof,

Be it further Enacted by the Authority aforesaid, That in all Actions which from and after the said First Day of May, shall be Commenced or Prosecuted in any of His Majesty's Courts of Record in this Kingdom, or any the Courts of the County Palatine of Tipperary, upon any Bond or Bonds, or on any penal Sum for non-performance of any covenants or agreements in any Indenture, Deed or Writing contained, the Plaintiff or Plaintiffs may assign as many Breaches of the said covenants or agreements, as he or they shall think fit: And thereupon it shall and may be Lawful for the Jury upon such Tryal of such Action or Actions, not only to assess such damages and costs of Suit, as have been heretofore usually done in such cases; but also to give Damage for such of the said Breaches so to be assigned, as such Plaintiff or Plaintiffs, upon such Tryal of the Issues taken therein, shall prove to have been Broken, and that the like Judgment or Judgments shall be Entered on every such Verdict or Verdicts, as heretofore have been usually done in such like cases. And if it shall happen, that such Defendant or Defendants shall not Plead to the Issue, but Judgment shall be given against him or them for such Plaintiff or Plaintiffs, upon Demurrer, or by Nihil dicit, Non sum Informatus, Cognovit accon. or the like; then and in such case, it shall and may be Lawful to and for such Plaintiff or Plaintiffs, to Suggest upon the Roll of Record in such Action or Actions, such and as many Breaches of the said covenants and agreements as he or they shall think fit, upon which said Suggestion, one or more Writ or Writs shall Issue, directed to the Sheriff of that County where such Action or Actions shall be brought, to Summon a Jury to appear before the Justice or Justices of Assize, or Nisi prius, at their next coming into that County, to Enquire of the Truth of every one of those Breaches; and such Jury to assess the said Damages severally, which the said Plaintiff or Plaintiffs shall have sustained for every of the said Breaches so assigned as aforesaid; in which said Writ, it shall be likewise commanded to the said Justice or Justices of Assize, or Nisi prius, before whom such Damages shall be so given, that he or they shall make a full and certain return of the said Writ or Writs, and the due Execution thereof to the Court from which the same shall so Issue, according to the Exigency thereof, and the time therein mentioned; which said Writ or Writs so returned shall be filed; and thereupon Judgment or Judgments shall be Entered in the said Court on such return, as in cases of Writs of Enquiry of Damages of the like Nature. And in case the Defendant or Defendants, after such Judgment Entered, and before Execution Executed, shall pay into the Court where the said Action shall be brought, to the use of the Plaintiff or Plaintiffs, his or their Executors or Administrators, such Damages so assessed by the Jury, by reason of all or any the Breaches of such Covenants, together with the costs of Suit, that then a Stay of Execution shall be Entered upon the Record of the said Judgment, and made accordingly for that time,

time, as also, whensoever it shall happen, that by reason of any Execution Sued forth and Executed upon such Judgment, the Plaintiff or Plaintiffs, his or their Executors or Administrators, shall be fully satisfied or paid all his or their Debt or Damages so assessed, or the penalty of such Bond or Bill penal, at the Election of the Defendant; together with his or their costs of Suit, and all reasonable Charges and Expences for Executing the said Execution; that then, and from thenceforth, the Body, Goods and Lands of such Defendant shall be discharged from such Execution, which said Discharge shall likewise be Entered upon the Record of the Roll of the said Judgment. Yet it is hereby Declared, That notwithstanding such Discharges or Stay of such Executions, and the Entry or Entries of either, or any of them as aforesaid upon Record, where such Damages do not amount to the penalty of such Bond or Bill penal, such Judgment or Judgments shall still remain, continue and be in full Force, Vigour and Effect, to the purposes hereafter mentioned. (That is to say) as a further Security to answer to such Plaintiff or Plaintiffs, and his or their Executors or Administrators; all such Damages as shall or may be at any time afterwards sustained, for or by reason of any further Breach of any the Covenant or Covenants in such Indenture, Deed or Writing contained, if any such shall happen to be, and no satisfaction be made for the same aforesaid, as far as the remainder of such Penalty, after the payment of the Damage formerly recovered out of the same, will reach; upon which said Breach or Breaches, such Plaintiff or Plaintiffs may have and shall be at Liberty to Sue forth a Writ of Scire Facias, upon the said Judgment against such Defendant or Defendants, his or their Executors or Administrators, or against his Heirs or Tenants, Grounded upon Suggestion of other Breach or Breaches of the said covenants or agreements, upon the Roll of the said Judgment as aforesaid; and thereupon to Summon him or them respectively to shew cause why Execution should not be had or awarded upon the said Judgment; upon which there shall be the like proceedings as was in the Original Action of Debt, brought upon the said Bond or Obligation for assessing of Damages, upon Tryal of Issues joined upon such Breaches, or in case of default upon a Writ of Inquiry thereof, to be awarded in manner as aforesaid.

Provided always, That upon payment or satisfaction to be made of all such future Damages, Costs and Charges in manner as aforesaid, or of so much of such future Damages as the remaining Sum of the penalty of such Bond or Bill penal, after payment and satisfaction for the Damages formerly recovered will extend unto, together with costs of Suit, all further proceedings or the said Judgment shall again be stayed, and so Toties quoties (as occasion shall require) upon every new Breach, the said Judgment to be made use of as far as aforesaid, and no further, and upon satisfaction made in manner aforesaid, the Defendant, his Body or Goods and Lands, to be again freed and discharged out of Execution as aforesaid.

C H A P. XXXVI.

An Act to prevent Frauds by Clandestine Mortgages.

Whereas great Frauds and Deceits are so often practiced by Peccituous and Evil disposed Persons, in Borrowing of Money, and giving Judgments, Statutes and Recognizance privately, for securing the Re-payment of the said Money; and the same persons do afterwards Borrow Money upon Security of their Lands of other persons, and do not acquaint the latter Lender thereof with the same, whereby such latter Lender is very often in danger to Loose his whole Money, or forced to pay off the Debts secured by the said Judgments, Statutes and Recognizances before they can have any Benefit of the said Mortgages.

And whereas divers persons do many times Mortgage their Lands more than once, without giving notice of their first Mortgage, whereby Lenders of Money, upon Second, or after Mortgages, do often Loose their Money, and are put to great Charges in Suits and otherwise.

For Remedy whereof, and preventing the same as much as may be for the future, May it please Your Sacred Majesty, That it may be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That if any person or persons from and after the first Day of April, which shall be in the Year of our Lord God, One thousand six hundred and ninety eight, shall Borrow any Money, A Debtor after a Mortgage made, in what case he shall loose the benefit of redemption.

ney, or for any other Valuable Consideration for the payment thereof, Voluntarily Give, Acknowledge, Permit or Suffer to be Entred against him or them, One or more Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances, to any person or persons, Creditor or Creditors; and if the same Borrower or Borrowers, Debtor or Debtors, shall afterwards Take up or Borrow any other Sum or Sums of Money of any other person or persons, or for other Valuable Consideration, become Indebted to such person or persons; And for securing the Re payment and Discharge thereof, shall Mortgage his, her or their Lands or Tenements, or any part thereof to the said Second, or other Lender or Lenders of the said Money, Creditor or Creditors, or to any other person or persons, in Trust for, or to the Use of such Second, or other Lender or Lenders, Creditor or Creditors, and shall not give Notice to the said Mortgagee or Mortgagees, of the said Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances in Writing, under his, her or their Hand or Hands, before the Execution of the said Mortgage or Mortgages, unless such Mortgagee or Mortgagees, his, her or their Heirs, upon Notice to him, her or them, given by the Mortgagee or Mortgagees of the said Lands and Tenements, his, her or their Executors, Administrators or Assigns, in Writing, under his, her or their Hands and Seals, Attested by Two or more sufficient Witnesses, of any such former Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances, shall within Six Months after such Notice given, pay off and discharge the said Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances, and all Interest and Charges due thereupon, and cause or procure the same to be Vacated or Discharged by Record, that then the Mortgager or Mortgagees of the said Lands and Tenements, his, her or their Heirs, Executors, Administrators or Assigns, shall have no Benefit or Remedy against the said Mortgagee or Mortgagees, his, her or their Heirs, Executors, Administrators or Assigns, or any of them in Equity or elsewhere, for Redemption of the said Lands and Tenements, or any part thereof; but the said Mortgagee or Mortgagees, his, her or their Heirs, Executors, Administrators and Assigns, shall and may Hold and Enjoy the said Lands and Tenements, for such Estate and Term therein, as were or was Granted and Settled to the said Mortgagee or Mortgagees, against the said Mortgager or Mortgagees, and all person and persons, Lawfully Claiming, from, by or under him, her or them, Freed from Equity of Redemption, and as fully to all intents and purposes whatsoever, as if the same had been purchased absolutely, and without any power or Liberty of Redemption.

Persons Mortgaging twice without notice to the second to loose their Equity.

And be it further Enacted by the Authority aforesaid, That if any person or persons, who have or hath once Mortgaged, or from and after the said first Day of April, shall Mortgage any Lands or Tenements, to any person or persons, for Security of Money Lent, or otherwise Accrued or become Due, or for other Valuable Considerations; and if the said Mortgager or Mortgagees shall again Mortgage the same Lands or Tenements, or any part thereof, to any other person or persons for Valuable Considerations, the said former Mortgage being in Force and not Discharged, and shall not Discover to the said Second or other Mortgagee or Mortgagees, or some or one of them, the former Mortgage or Mortgages in Writing under his or their Hands; that then, and in those Cases also, the said Mortgager or Mortgagees, his, her or their Heirs, Executors, Administrators or Assigns, shall have no Relief or Equity of Redemption against the said Second, or after Mortgagee or Mortgagees, his, her or their Heirs, Executors, Administrators or Assigns, upon the said after Mortgage or Mortgages, but that such Mortgagee or Mortgagees, his, her or their Heirs, Executors, Administrators and Assigns, shall and may Hold and Enjoy such, more then once Mortgaged Lands and Tenements, for such Estate and Term therein, as were or was Granted and Conveyed by the said Mortgager or Mortgagees, against him, her or them, his, her or their Heirs, Executors or Administrators respectively, Freed from Equity of Redemption, and as fully to all intents and purposes, as if the same had been an absolute Purchase, and without any power or liberty of Redemption.

Under Mortgagees may Redeem.

Provided always, and be it further Enacted by the Authority aforesaid, That nevertheless if it so happen, that there be more then one Mortgage at the same time made by any person or persons, to any person or persons of the same Lands and Tenements, the several late or under Mortgagees, his, her or their Heirs, Executors, Administrators or Assigns, shall have power to redeem any former Mortgage or Mortgages, upon payment of the principal Debt, Interest and Costs of Suit, to the

the Prior, Portgager or Portgagers, his, her or their Heirs, Executors, Administrators or Assigns, any thing herein contained to the contrary thereof in any wise notwithstanding.

Provided always, That nothing in this Act contained shall be Construed, Deem-
ed or Extended, to Bar any Widow of any Portgager of Lands or Tenements, from her Dower and Right, in or to the said Lands, who did not Legally Join with her Husband in such Portgager, or otherwise Lawfully Bar or Exclude herself from such her Dower or Right.

Dower saved
to the Wi-
dows of such
Mortgages.

C H A P. XXXVII.

An Act for the more easy obtaining Partitions of Lands in Coparcenary Joint-Tenancy and Tenancy in Common, and Bounding and Mearing of Lands.

V Whereas the Proceedings upon Writs of Partition between Coparceners, by the Common-Law or Custom, Joint-Tenants or Tenants in Common, are found by Experience to be Tedious, Chargable, and oftentimes Ineffectual, by reason of the difficulty of discovering the Persons and Estates of the Tenants of the several Mannors, Messuages, Lands, Tenements and Hereditaments, to be divided, and the defective and dilatory Executing and Returning of the Process of Summons, Attachment and Distress, and other difficulties and impediments in Making and Establishing of Partitions; by reason of which, divers Persons having Un-divided parts or pur-parts, are greatly prejudiced and oppressed, and the Premises are frequently Wasted, or Lye Uncultivated or not Improved, and the profits of the same thereby, Totally are in a great measure Lost. For Remedy thereof,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from the Sixth Day of November, One thousand six hundred ninety seven, and after Process of Summons or Attachment upon any Writ of Partition Returned, and Affidavit made thereupon by any sufficient and credible Person, that due Notice in Writing is or hath been given of the said Writ of Partition, to the Tenant or Tenants to the said Writ or Action, and a Copy thereof left with the Occupier, or Tenant or Tenants in possession of the said Lands; or if they or any of them cannot be found, then to the Wife, Son or Daughter, being of the Age of One and Twenty Years, or upwards, of such Tenant or Tenants to the said Writ or Action, or Tenant in actual possession, as aforesaid, by Virtue of any Estate of Freehold for Years, or at Will, or any uncertain Interest, of or in the said Mannors, Lands, Tenements and Hereditaments, whercof the said Partition is so demanded, unless the said Tenant in actual possession be demandant in the said Action, at the least Forty Days before the Day of the Return of the said Summons or Attachment; if in such Case the Tenant or Tenants to such Writ, or Tenant in possession to the Mannors, Lands, Tenements and Hereditaments, as aforesaid, or any of them, shall not within the Term after Return of such Writ of Summons or Attachment, or the Term following the same, cause an Appearance to be Entred in such Court, where such Writ of Summons or Attachment shall be Returnable, then and in default of such Appearance, the Demandant having filed his Declaration, the Court may and shall proceed to Examine the Title of the said Demandant set forth in his Declaration, and the Content or Quantity of his part or pur-part of the said Lands and Premises, and according as they shall find his right part and pur-part to be, they shall for so much cause Judgment by default, to be entred for the said Demandant, and thereupon Order and Award a Writ to make Partition, whereby, such proportion, part and pur-part, may be set out to him in severalty; of which said Writ of Execution, Notice shall be given to the Occupier, Tenant or Tenants of the said Mannors, Lands, Tenements and Hereditaments, at least Six Days before the Execution thereof; and the same being after such Notice duly Executed and Returned, and final Judgment thereupon Entred, the same shall be good Binding and Conclusive to all Persons whatsoever, and to the several Rights, Titles and Interests, which they or any of them have, or shall at any time Claim, or pretend to have in any of the said Mannors, Lands, Tenements and Hereditaments, mentioned in the said Judgment and Writ of Partition so awarded as aforesaid, although all persons concerned, are not named in the Proceedings thereupon, nor the Title of the Tenants to the said Writ truly set forth.

Prohibited always, That if such Tenant or Tenants, or Person concerned, or any of them, against whom or their Right or Title, such Judgment by default is given, shall within the space of One Year after the First Judgment Entered, or in Case of Infancy, Coverture, Non sane Memorie, or Absence out of the Kingdom, then within One Year after his, her or their Return, or the determination of such Inability, apply themselves by motion to the Court where such Judgments are Entered, and shew good and probable Matter in Bar of such Partition, or that the Demandant hath not Title to so much as he hath so Recovered; then and in such Case, the Court may Suspend or set aside such Judgment, and admit the Tenant or Tenants to Appear and Plead, and the Cause shall proceed according to due Course of Law, as if no such Judgment had been given: and if the Court upon Hearing thereof, shall Adjudge for the First demandant, then the said First Judgment shall stand Confirmed, and be good against all persons whatsoever, except such other persons as shall be absent or disabled as aforesaid, and the person or persons so Appealing, shall be awarded thereupon to pay Costs, or if within such time or times aforesaid, the Tenants or Persons concerned, admitting the Demandant's Title, Parts or Pur-parts, shall yet shew to the Court any inequality in the Partition, the Court may award a new Partition to be made in presence of all Parties concerned if they will appear, notwithstanding the Return and Filing upon Record of the former; which said second partition Returned and Filed, shall be Good, Valid and Firm for ever, against all Persons whatsoever, except as before Excepted.

And be it Enacted by the Authority aforesaid, That no Plea in Abatement shall be admitted or received in any Suit of Partition, nor shall the same be abated by reason of the Death of any Tenant or Tenants thereunto.

And be it further Enacted by the Authority aforesaid, that when the High-Sheriff, by reason of distance, infirmity or any other hindrance, cannot conveniently be present, at the Execution of any Judgment in partition in such Case, the Under-Sheriff in presence of Two Justices of the Peace of the County, where the Lands, Tenements or Hereditaments, to be divided do lie, shall and may proceed to Execution of any Writ of partition, by Inquisition in due Form of Law, as if the High-Sheriff were then Personally present; and the High-Sheriff thereupon, shall and is hereby Enabled and Required to make the same Return as if he were Personally present at such Execution. And in Case such partition be Made, Returned and Filed, he or they that were Tenant or Tenants of any of the said Messuages, Lands, Tenements or Hereditaments, or any part or pur-part thereof before they were so divided, shall continue and be Tenant or Tenants for such parts set out severally to the respective Land-lords, or Owners thereof, by and under the same Conditions, Rents, Covenants and Reservations where they are or shall be so divided, and the Land-lords, and Owners of the several parts and pur-parts so divided and allotted as aforesaid, shall Warrant and make good unto their respective Tenants, the said several parts severally after such partition, as they are or were bound to do by any Copy, Lease or Grant, of their respective parts before any partition made; and in Case any Demandant be Tenant, in actual possession to the Tenant, to the Writ or Action for his part and proportion, or any part thereof in the Messuages, Lands, Tenements and Hereditaments to be divided, by Virtue of a Writ of partition as aforesaid, for any Term of Life, Years or Pears, or uncertain Interests, the said Tenants shall stand and be possessed of the said pur-parts and proportions for the like Term, and under the same Conditions and Covenants, when it is set out in severality, in pursuance of this or any other Act, Statute or Law, to that purpose.

And be it further Enacted by the Authority aforesaid, That the respective Sheriffs, their Under-Sheriffs and Deputies; and in Case of Sicknes or Disability in the High-Sheriff, all Justices of the Peace within their respective Divisions, shall after convenient Notice give due Attendance to the Executing such Writ of partition, unless reasonable Cause be shewn to the Court upon Oath and then allowed of, or otherwise be liable every of them to pay unto the Demandant, such Costs and Damages as shall be Awarded by the Court, not exceeding Five Pounds, for which the Demandant or Plaintiff, may bring his Action in any of His Majesty's Courts of Record at Dublin, wherein no Essoign, Protection, Priviledge or Wager of Law shall be allowed, or more than one Imparllance. And in Case the Demandant do not agree to pay unto the Sheriff or Under-Sheriff, Justice and Jurors, such Fees as they shall respectively demand for their Pains and Attendance in the Execution

Execution of the same, and Returning thereof; then the Court shall Award what each Person shall Receive having respect to the distance of the place from their respective Habitations, and the time they must necessarily spend about the same, for which they may severally bring their Actions as aforesaid.

Provided, That this Act shall continue in Force for Seven Years, and from thence to the End of the next Session of the next Parliament, and no longer.

And whereas many Inconveniencies and Law-Suits have heretofore Arisen, and may hereafter Arise, by reason the Bounds of the several Proprieties of Lands within this Kingdom are not sufficiently distinguished, by certain and known Marks.

For prevention whereof, and for the better carrying off the Water and draining the Bogs and wet Lands, and Improving the same,

Be it Enacted by the Authority aforesaid, That where the Marks of Lands between Propriety and Propriety, have or shall hereafter be set out or Ascertained by a Writ of Partition, Perambulation or otherwise, the same shall at equal Charge of the Proprietors thereof or their Tenants, be Inclosed with good Ditches, where Earth sufficient may be had to make the same, and therein one or two Rows of Quick-sets shall be Planted; and where Earth shall be wanting, such other Fences shall be made, as the Nature of the Soil shall permit, and where Lands are Leased for a long Term, it may seem unequal to lay the Charge of such Ditches and Fences on the Land-lords.

Be it therefore Enacted, That where Lands are Held in Fee-Farm or for Lives Renewable for ever, or for a Term of Sixty Years, to run from the Sixth Day of November, One thousand six hundred ninety seven, there the Charge of making the Marks or Fences as aforesaid, shall be intirely born by the Tenant; and where Lands are Leased for Lives, wherein Three Lives shall be Current, or for Years, where Twenty One Years shall be unexpired, at or upon the said Sixth Day of November, One thousand six hundred ninety seven, there the said Marks shall be Inclosed at the equal Charge of Land-lord and Tenant; and where Lands are Leased for any lesser Time or Term, the Bounds shall be Inclosed at the Sole Charge of the Land-lord.

Provided, That nothing in this Act contained, shall be taken or Construed to be taken, to make Void any Covenants heretofore made between Land-lord and Tenant, relating to the Inclosing of Marks.

And be it further Enacted by the Authority aforesaid, That whatsoever Person or Persons, Chargable by this Act with the Fencing and Closing of their Bounds as aforesaid, who shall not have Actually done the same within Six Months after such Partition made, shall Forfeit for his or their Neglect, One Years Value of the said Land, One Moiety thereof to the use of the Poor of the Parish where such Lands shall lie, and the other Moiety to him or them that will Sue for the same: And if the Person or Persons Chargable with Inclosing his Marks as aforesaid, shall further Neglect to do the same within One Year, he or they so Offending against this Act, shall Forfeit Two Years Value of the said Lands, to be paid and recovered in manner aforesaid.

Within what time such Inclosing is to be made, and the forfeiture.

And it is hereby further Enacted by the Authority aforesaid, That all Hearing, Fences, Ditches and Drains, made, or hereafter to be made, be and shall from time to time, and at all times hereafter at the Equal Charge of the Tenants and Occupiers of the said Lands, be kept open Scoured and Cleaned, that the Water may not stand but pass away, and that whatsoever Person or Persons shall refuse or neglect to do the same, shall Forfeit for such refusal and neglect one Years Value of the said Land, to be recovered in such manner, and to such Uses, as is herein before Expressed.

At whose Charges to be cleaned and scoured for the future.

C H A P. XXXVIII.

An Act for avoiding of Vexatious Delays, caused by Removing Actions and Suits out of Inferior Courts.

Whereas there now are, and long time have been divers Courts of Record in divers Cities, Liberties, Towns Corporate and elsewhere, some of them being far remote from Dublin, which were principally obtained for the Ease and Quiet of such as should have occasion to Sue there for Debts and Wrongs, so that they might with small Expences, Receive Justice according to the merits of these

their Causes in those Inferior Courts, without being compelled to Travel to Dublin; but of late divers of His Majesty's Subjects, having for Just and True Debts, and other Good and Lawful Causes, commenced Suits in such Inferior Courts, and Prosecuted their Actions and Suits many times ready for Trial, and the same Causes being for the most part of small Value, have been Removed into some of His Majesty's Courts at Dublin, and being remanded by Procedendo, into the same Inferior Courts where the Action or Suit was first commenced, the same having been again oftentimes removed into the same, or other of His Majesty's Courts at Dublin, to the intollerable delay of Justice, and great Expences of Money, and Loss, and Trouble to those which Justly and Honestly by such Actions and Suits have sought only to recover or get satisfaction for Debts, Duties or Wrongs owing due or done unto them. For Remedy whereof,

Habeas Corpus
not to be
granted with-
out Certifi-
cate of the
cause of Im-
prisonment,
&c.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That no Writ or Writs of Habeas Corpus, Certiorari, or any other Writ or Writs, Process or Processes whatsoever, other then Writs of Error or Attaint, to be Sued forth after the Twentieth Day of November next, which will be in this present Year of our Lord, One thousand six hundred ninety seven, by any person or persons whatsoever, out of, or from any His Majesty's Courts at Dublin, or out of any other Court or Courts, having or pretending to have power to award such Writs or Processes to stay or remove any Action, Bill, Complaint, Suit or Cause, brought, commenced or depending, or hereafter to be brought, commenced or depending in any Court or Courts of Record within any City, Liberty, Town Corporate or elsewhere, which have or shall have Jurisdiction, Power or Authority, to hold Plea in that Action, Bill, Complaint, Suit, or cause the same Cause of Action, Bill, Complaint or Suit arising or growing within the said City, Liberty, Town Corporate or Jurisdiction, shall after the said Twentieth Day of November next, be received or allowed by the Steward, Judge or Judges, or Officer or Officers of the Court or Courts, wherein or to whom any such Writ or Writs shall be directed and delivered; but that he and they shall and may proceed in the said Cause or Causes, as though no such Writ or Writs were Sued forth or delivered to him or them, except that the said Writ or Writs be delivered to the Steward or Stewards, Judge or Judges, Officer or Officers of the said Court, before Issue or Demurrer, joined in the said Cause or Causes so depending or to be depending in such Court of Record, in any City, Liberty, Town Corporate, or elsewhere, having power to hold such Plea, so as the said Issue and Demurrer be not joined in Six Weeks next after the Arrest or Appearance of the Defendant or Defendants, to such Action or Suit commenced.

Action remo-
ved or stay'd
by any Writ,
and rede-
manded by
Procedendo,
&c. shall never
be removed.

And be it further Enacted by the Authority aforesaid, That if any such Action, Bill, Complaint, Suit or Cause, which is or shall hereafter be brought, commenced or depending in any such Court of Record in any City, Liberty, Town Corporate, or elsewhere, shall after the said Twentieth Day of November next, be removed or stay'd by any such Writ or Writs, Process or Processes, to be Sued forth out of any of His Majesty's Courts at Dublin, or any other Court as aforesaid: That if afterwards the same Action, Bill, Complaint, Suit or Cause, shall be remanded or sent back again by any Writ or Writs of Procedendo, or other Writ whatsoever; that then the said Action, Bill, Complaint, Suit or Cause, shall never afterwards be removed or stay'd before Judgment, by any Writ or Writs whatsoever, to be Sued forth out of any of His Majesty's said Courts at Dublin, or any other Court as aforesaid, any Law, Statute, Custom, Usage or Restraint to the contrary thereof in any wise notwithstanding.

Any Action
of Free-hold,
Inheritance,
Title of Land,
Lease, &c.
the Debt not
above Five
Pounds shall
not be stay'd,
&c.

And be it further Enacted by the Authority aforesaid, That if any Action, Bill, Complaint, Suit or Cause, not concerning Freehold or Inheritance, or Title of Land, Lease or Rent, which shall be brought, commenced or depending in any such Court of Record, or any City, Liberty, Town Corporate or elsewhere, if it shall appear, or be laid in the said Declaration, that the Debt, Damages, Things demanded, doth or shall not amount to, or exceed the Sum of five Pounds, that then such Action, Bill, Complaint, Suit or Cause, shall not be stay'd, nor be removed into any of His Majesty's Courts at Dublin, or other Court as aforesaid, by any Writ or Writs whatsoever, to be Sued or Prosecuted forth, or out of His Majesty's said Courts at Dublin, or other Courts as aforesaid, other then Writs of Error or Attaint, any Law, Statute, Usage, Custom or Restraint, to the contrary in any wise notwithstanding.

And

And be it further Enacted by the Authority aforesaid, That if any Writ or Writs whatsoever, shall be after the said Twentieth Day of November next, Granted or Sued forth out of any of His Majesty's Courts at Dublin, or other Court, contrary to the meaning of this present Act; that then it shall and may be Lawful to and for the Judge or Judges, and Officer or Officers, to whom such Writ or Writs shall be delivered, to disallow and refuse the same, and to proceed as if no such Writ or Writs had been Granted or Sued out, or forth as aforesaid, any Law, Statute, Usage, Custom or Restraint, to the contrary in any wise notwithstanding.

Any Writs Sued out contrary to this Act, the Judges may refuse the same, &c.

And whereas some persons have doubted, Whether an Act made in the Tenth Year of the Reign of King Charles the First, Intituled, An Act for Expedition of Justice in Cases of Demurrers, &c. And one other Act made in the said Tenth Year of the said King Charles the First, Intituled, An Act for the Reformation of Jeofailes, &c. Extend to Inferior Courts of Record.

And whereas an Act made in the Thirty Third Year of the Reign of King Henry the Eighth, Intituled, An Act touching Mis-impleading and Jeofailes, And an other Act made in the said Tenth Year of the said King Charles the First, Intituled, An Act for avoiding Unnecessary Delays of Execution; And an another Act made in the Seventeenth and Eighteenth Years of King Charles the Second, Intituled, An Act to prevent Arrests of Judgment, and Superseading Executions, are found by Experience to be Good and Beneficial Laws; but do not extend to the said Inferior Courts; to the end thereof, That all His Majesty's Subjects may have the full benefit and advantage of so Good Laws.

Be it Enacted by the Authority aforesaid, That all the several aboves-mentioned Acts, shall from the said Twentieth Day of November next, be, and be construed to be in Force, in all Inferior Courts of Record in this Kingdom, and shall be as Effectual, and as duly Observed in all the said Inferior Courts, as if the said Inferior Courts had been particularly named and Expressed in the several aboves-mentioned Acts.

And whereas in County Courts, Manor Courts, and other Inferior Courts, where small Actions of Debts and Damages under Forty Shillings are Tryed, sufficient Encouragement cannot be given to Attorneys, or other persons skilled in the Law of this Realm, to practise so that the Pleadings and Proceedings in the said Courts are not so formal as by Law they ought to be, for the Ease of the Subject.

Be it Enacted by the Authority aforesaid, That in all the said Inferior Courts which have power to Try Actions under Forty Shillings, and no more, that the Proceedings and Pleadings may be in English, and shall not for that, or any other Defect in Form, be Quashed or Vacuated if the same be Removed by Writ of False Judgment, or otherwise, into any of His Majesty's Courts of Record, any former Law, Custom, Statute or Usage to the contrary notwithstanding.

C H A P. XXXIX.

An Act for Redress of certain Abuses in making Pewter and Brass.

Whereas there is much Pewter and Brass, Made, Wrought and Blended within this Kingdom, which is not of such fine Metal, and such perfect Goodness as the same ought to be; and is Made, Wrought and Blended oftentimes by very unskillful persons, who understand not the true Making and Working of such Metals, or by other persons who use the said Art deceitfully, all which tends much to the prejudice of His Majesty's Subjects, who have occasion to Buy, and make use of Pewter and Brass: For Remedy whereof,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the First Day of January next, which will be in the present Year of our Lord, One thousand six hundred and ninety seven, no person or persons using the Craft or Trade of Pewterers and Braziers, or who Buy, Sell, Trade or Deal in the same within this Realm, shall Sell or Change any Pewter or Brass, New or Old, at any place or places save only in open Fairs and Markets, or in their own publick Shops and Dwelling-Houses, upon pain that every person and persons acting contrary hereunto, shall for every such Offence, Forfeit and Lose the Sum of Forty Shillings, the one Half to go and be to the use of the Poor of the Parish where
such

No Pewter or Brass to be changed in the Country but in Fairs or Markets, &c.

Penalty.

such Offence shall be committed, the other Half to the person or persons that shall Seize, Find or Prosecute for the same.

And be it further Enacted by the Authority aforesaid, That no person or persons, from and after the said First Day of January next, shall at any place or places within this Realm, Cast, Make or Work any Pewter or Brass Vessel; but such as shall be of as Good fine Metal as is the Pewter and Brass, Cast and Wrought after the perfect Goodness required for the same, within the City of London, upon pain of Forfeiture of all and every such Pewter and Brass Vessel and Vessels so Cast, Made and Wrought contrary thereunto, the one Half of such

Penalty.

Forfeiture to be to the Use of the Poor of the Parish where such Offence shall be committed, the other Half to the use of the Finder, Discoverer and Prosecutor for the same, which said Offences shall be Examined, Heard and Determined in all Cities and Corporate Towns, by and before the Mayor, Bailiff, Sovereign, Portreeve, or other Head Officer of such City or Town Corporate, and in all other places by and before Two Justices of the Peace of the respective Counties where such Goods shall be so Seized as aforesaid, who are hereby Authorized and required to Examine the said Matters, on Oath of One or more Witnesses, which Oath they are hereby Authorized to Administer, and to Hear, Determine and Give Judgment thereupon, for the Forfeiture of such Goods to the uses aforesaid, or otherwise for Discharging and Restoring the same as they shall see Cause; which said Judgment so given, such Mayor, Bailiff, Justices of the Peace, or other Officer, are hereby required to Return and Certifie to the Justices of the Peace, at the next Quarter-Sessions to be Held for such City, Town Corporate, or County respectively, to the Intent that the same may be there Entered of Record.

None to be Seized save from any save those that deal in it or keep it for their use.

No Lay Metal Worse then what is made in London.

The Makers to put their Marks, and shall avoid the same.

Penalty.

Provided always, That no Pewter and Brass shall be so Seized or Forfeited save only such as shall at the time of such Seizure be in the possession of some Pewterer or Brasser, or other person using the said Trade or Mistry, or Selling such Pewter or Brass, or of some person or persons in Trust for him or them, and not such as shall be in the possession of any other person not using such Trade or Mistry, as the proper Goods of such other person.

And be it further Enacted by the Authority aforesaid, That no manner of person or persons of what degree or condition soever, be or they be, from and after the said First Day of January next, shall make any Hollow Wares, (that is to say) Salts and Pots, or the like of Pewter, called Lay Metal, which shall be of course or worth Metal, then according to the Assize of Lay Metal, Wrought within the City of London; and that the Makers of such Wares, shall make the same Wares, with several and particular Marks of their own, to the intent that the Makers of such Wares shall avoid the same, and such Wares may appear to be made by them, and that all and every such Wares not so sufficiently Made, Wrought or Marked in form aforesaid, found in the possession of the same Maker or Seller, shall be Seized as Forfeited; and if the same Ware be Sold before such Seizure, then the said Maker shall forfeit the Value of the same Ware so Unlawfully Wrought and Sold, the One Half of such Forfeiture, to be to the Use of the Poor of the Parish where such Offence shall be committed, and the other Half to the Use of the Finder or Finders, Searcher and Prosecutor for the same; such Offences to be Examined, Heard and Determined as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any person or persons after the said First Day of January next, Using, Buying and Selling of Pewter and Brass, shall have and make use of any deceitful or false Beams or Weights, such person or persons shall for every such Offence, forfeit the Sum of five Pounds, the One Half to the Poor of the Parish where such Offence shall be committed, the other Half to the person or persons Finding, Discovering and Prosecuting for the same, such Prosecution to be before such respective persons, and in like manner as for the other Offences, against this Act before mentioned; And such persons are hereby respectively Authorized and Required to act therein, as in Cases of such other Offences, and if the said Offender or Offenders shall not be sufficient to pay the said Sum or Sums so by him or them forfeited, that then it shall and may be Lawful to and for such person or persons respectively, before whom such Offences shall be Tried, to put such Offender in the Stocks for the space of Two Hours, and after to continue him in Custody until the next Market-Day, for the place where such Offence shall be committed, and then in the open Market place during the chief time of such Market, to put, and continue him with his Head in the Pillory, for the space of One Hour.

Penalty for using false Beams or Weights.

And

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Waster and Wardens of the said Crafts of Pewterers and Braziers within every City and Borough within this Realm, where such Waster and Wardens are; and where such Waster and Wardens are not, then to, and for the Head Officer and Magistrates of the said City and Borough, to appoint certain persons most Expert in knowing of the same, to make Search in Cities and Burroughs where they dwell, for and after such Offenders, and him or them, to Apprehend or cause to be Apprehended; and also to Seize such Goods as they shall justly suspect to be made contrary to this Act, and liable to be Seized by Vertue thereof, and forthwith to bring such Offenders and Goods so Apprehended and Seized, before the respective persons hereby required to Hear and Determine such Offences, in Order to their further Procedure thereupon, according to the directions of this Act: And the Justices of the Peace within every Shire or County of this Kingdom, are hereby Authorized and Required at the General-Sessions of the Peace, to be Held for their respective Counties, at Michaelmas in every Year, to assign and appoint Two certain Persons having Experience in such Goods, to make Search in the Premises, in every part of the said Shire or County, as well within Franchises as without, except in Cities or Burroughs, where persons are appointed for that purpose, by the Head Officers or Governor of the same, and to Seize such Offenders and Goods, and bring the same before such Justices of the Peace who is hereby required to Hear and Determine such Offences, in Order to their further Procedure thereon as aforesaid; and that in default of the Waster and Wardens, or other the persons to be appointed according to this Act of Searching in manner aforesaid, it shall and may be Lawful to and for any other person or persons having Cunning and Knowledge in the said Occupation, by Oversight of the Mayor, Bailiff, and Head Officers of the said Cities and Burroughs, to Search all the aforesaid places, for any of the aforesaid Unlawful Metals and Unlawful Weights, in order to the putting of this present Act in due Execution.

C H A P. XL.

An Act for the more ease and speedy Securing and Recovery of small Debts.

V Vhereas nothing would conduce more to the Advancement of Trade, Commerce and Industry in this Kingdom, than that an Easy and Summary Way, for the recovery and securing of small Debts, might be found, whereby an Universal Credit might be Established among the Trading People of this Realm, without the necessity of Tedious, and Costly Suits of Law. May it therefore please Your Majesty, that it may be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, And by Authority of the same, That in every County, and every County of a City, and County of a Town in this Kingdom of Ireland; some Person before the first Day of February, in this present Year of our Lord, One thousand six hundred ninety seven, be appointed by His Majesty, or by the Lord Lieutenant, Lord Deputy, Lord Justice or Lords Justices, or other Chief Governor or Governors of this Kingdom for the time being, to be Register in each County, or County of a City, or County of a Town; which said Person so appointed shall be a Resident or Inhabitant, for the most part in such County respectively wherein he shall be, as herein after Employed, and shall Enter into Recognizance of five Hundred Pounds Sterling, before some one of the Judges of either Bench, or Barons of His Majesty's Court of Exchequer, or before the Justices of the Peace, at the next Quarter-Sessions to be holden for the said County, for the due Execution of his Office; which said Recognizance shall be filed of Record in His Majesty's Court of Exchequer in this Kingdom, some time before the last Day of the ensuing Term, after such Recognizance shall be acknowledged: And that every such Register of any such County as aforesaid, shall and may by the Authority of this Act, have power to appoint One or more Deputy or Deputies to officiate under him in such County respectively.

And be it further Enacted by the Authority aforesaid, That every such Register, and Deputy or Deputies, before he or they shall take upon him or them respectively, the Execution of the said Office, shall take the following Oath before some one or more of the Justices of the Peace of the said County, or County of a City, or County

of a Town, or before the Chief Magistrate of such Town or Corporation, or his Deputy, where such Register shall keep his Office, (viz.)

I A. B. do Swear, That I will according to the best of my Skill and Cunning, Duly and Faithfully Execute the Office of Register (or Deputy Register) in this County, according to an Act of Parliament, Intituled, An Act for the more easie and speedy securing and recovery of Small Debts, and that I will not Directly nor Indirectly, Demand, Take or Receive any manner of Fee, Reward or Gratuity, by Reason or Colour of my Office, other then such Fees as are allowed by the said Act.

So help me God.

And shall then likewise take the Oaths, and Subscribe the Declaration mentioned and contained in an Act of Parliament made in England, in the Third Year of the Reign of His Present Majesty, and the Late Queen Mary, Intituled, An Act for the Abrogating the Oath of Supremacy in Ireland, and appointing other Oaths: Which said Oath of Office, and other Oaths and Declaration, the said Justice or Justices of the Peace, or other Chief Magistrate of such Town or Corporation, or his Deputy, are hereby Authorized, Impowered and Required to Administer. And further, That every such Register, Deputy or Deputies aforesaid, upon the Pain, Penalty and Forfeiture, of his or their Respective Office or Offices, shall take the aforesaid Oath of Office, and the aforesaid Oaths, and Subscribe the Declaration at the next Quarter-Sessions, or the next Assizes to be Holden for the said County or County of a City, or County of a Town, which shall first happen in open Court, between the Hours of Nine and Twelve in the Morning; which said Oaths respectively, and Declaration, the said Judges of Assize, or Justices of the Peace at their respective Sessions, are hereby Authorized, Impowered and Required to Administer.

And be it further Enacted by the Authority aforesaid, That from and after the said first Day of February next, every Person and Persons having any Bond or Bill under Hand and Seal, for any Sum or Sums of Money not exceeding Ten Pounds Principle Money, which said Bond or Bill, being acknowledged before any Person who is a Justice of the Peace in this Kingdom, or before the Chief Magistrate of any Town Corporate, and such Justice of the Peace or Chief Magistrate, or his Deputy, Certifying such Acknowledgement, which Acknowledgement every Justice of the Peace of this Kingdom, and every Chief Magistrate of any Town Corporate, or his Deputy, are by the Authority of this Act, Impowered and Required to take, a Certificate under their respective Hands and Seals, to make and deliver to the Party and Parties Interested in such Bond or Bonds, Bill or Bills, which Certificate and Bond, or Bill, being brought to the Register, or his Deputy of such County, County of a City, or County of a Town, wherein such Person is a Justice of the Peace, or Chief Magistrate of a Town Corporate or his Deputy, such Register or his Deputy or Deputies, or one of them, shall in a Book to be kept for that purpose, make an Entry of the said Bond or Bill, and Acknowledgement at large, as also the Receipts and Transfers thereon Endorsed, if any be, and from and after such Entry, the Person or Persons who perfected the same, his and their Goods and Chattles Personal, shall be thereby Bound and Liable to the said Debt and Interest, from the Day of Payment, in like manner as if the same had been a Judgment at Law.

And to the End there may be no Mistakes or Controversies, for or concerning the said Bonds or Bills, in relation to the Wording thereof,

Be it further Enacted by the Authority aforesaid, That all such Bonds or Bills as shall be Registered in pursuance of this Act, shall be Printed and Stamped with his Majesty's Arms, and be in the Form following; That is to say,

K NOW all Men by these presents, That of
in the County of do Acknowledge my self to stand justly
Indebted unto of in the County of
in the Full and Just Sum of Pounds Sterling, to be paid to the said
his Executors, Administrators or Assigns, at or before the
Day of to the which payment, I Bind my self,
my Heirs, Executors and Administrators; and in Default of Payment thereof, I
do Consent, That Execution shall Issue against my Body, Goods and Chattles Personal: Witness my Hand and Seal, this Day of

And

And in Case that there be Two or more Persons Bound in the said Bond, the said Printed Bond shall be Printed and made so, as to comprehend them, and to Bind them Jointly and Severally. And to the End, Forged and Counterfeited Bonds or Bills may be prevented, and the Subjects of this Land sufficiently provided with the said Bonds or Bills so Printed and Stamped, at easie and moderate Rates.

Be it Enacted by the Authority aforesaid, That every Register of any County or County of a City, or County of a Town, shall provide in every Market-Town within their respective Limits and Precincts, a sufficient quantity of such Blank Bonds or Bills for Sale, Stamped with the King's Arms, and the Name of the County whereof such Persons shall be Register. And that no Person or Persons whatsoever, shall Expole to Sale in any such Market-Town as aforesaid, any Stamped Printed Bonds or Bills, other then such as shall be Stamped by the said Register, or his Deputy or Deputies, upon the penalty of Forfeiting Ten Pounds for each Offence to such Register, to be Recovered by such Register thereby Injured by Action of Debt, Bill, Plaint or Information, wherein no Essoign shall be allowed, or more then one Impar lance.

Provided always, and be it further Enacted and Declared by the Authority aforesaid, That no person or persons shall be obliged to pay more then One Penny for each of such Bonds or Bills.

And be it further Enacted by the Authority aforesaid, That the Words used by the Party or Parties, Transferring of the said Bonds or Bills, shall be these or to the like Effect following; That is to say,

I A. B. do Transfer this Bill to C. D. As Witness my Hand, this
Day of *Anno Domini*

And in Case there be Two or more Obligees, then the said Transferrer shall be in their Names, With proper Words to the effect and purport aforesaid, Mutatis Mutandis.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons stand Indebted by such Bond or Bill, Acknowledged and Entred as aforesaid, and shall refuse to pay such Debt or Debts at the time the same shall become due and payable, or at any time afterwards, such Creditor or Creditors making Oath, That the Poney due thereon hath been demanded, and the Bond or Bill Tendency to the Party or Parties Indebted, his or their Executors or Administrators, at his or their place or places of Abode or Residence, the said Oath to be made before the Justices of the Peace at the Quarter-Sessions, to be Holden for the County, County of a City, or County of a Town, where the said Bond or Bill is Entred in Open Court, between the Hours of Nine and Twelve in the Morning; which Oath the said Justices of the Peace are hereby Impowered and Required to Administer; and which Oath the said Register or his Deputy are Required to Receive and Enter; then the said Register or his Deputy at the same Quarter-Sessions of the Peace, or at any other Quarter-Sessions to be Holden for the said County, at any time within One Year after the said Poney shall become due and payable, upon the Delivery to him the said Register, or his Deputy of the said Bond or Bill, shall Issue a Warrant of Execution under his Hand and Seal of Office, Directed to all and every the High-Sheriffs, Coroners, Bailiffs, Seneschals, Stewards and High-Constables of this Kingdom, against the Person or Persons, his or their Executors or Administrators, Owning the said Poney, or his and their Goods and Chatties Personal, for the Recovery and Levying of the said Poney, together with the Interest which shall then be due; as also the Costs and Fees for Entering of the said Bond or Bill, and for the Warrant of Execution and other Fees, according to the Directions and Limitations hereafter mentioned and expressed.

And to the end all Disputes and Controversies for and concerning the payment and discharge of such Debt or Debts, for or on account of such Bond or Bills, may be prevented.

Be it further Enacted by the Authority aforesaid, That no payment or payments shall be Esteemed, Valid for, or on Account of such Bonds or Bills, unless the same be entred on the Back of the said Bond or Bill, by the Party or Parties In-
volved therein, at the time of Enttring of such payment or payments.

And

And be it further Enacted by the Authority aforesaid, That the Sheriffs, Coroners, Bailiffs, Seneschals, Stewards and High-Constables, who shall have the Execution of the said Warrants in their respective Counties, County of a City or County of a Town, Precincts and Liberties, shall have full Power and Authority upon the Deliberation of such Warrant or Warrants to them respectively; and are accordingly hereby required to Arrest and Take the Body or Bodies of the Person or Persons against whom the said Warrants of Execution shall Issue, if so be the Party or Parties, Plaintiff or Plaintiffs, his or their Servant or Agent, shall desire the same: And in Case any Person or Persons at such desire shall be so Arrested or Taken by any of the aforesaid Officers appointed by this Act, who have not the Custody or Keeping of Prisoners upon Execution out of His Majesty's four Courts, that then the Person or Persons so Taken, shall be delivered to the Plaintiff, or his Servant or Agent, to be carried and conveyed to the Sheriff or other Officer, having the Custody of the Goal of the said County, where the said Person or Persons shall be so Taken at the charge and peril of the said Plaintiff; who is hereby required to Receive and Keep him or them in safe Custody; which said Sheriff or other Officer, having the Custody of the said Goal, shall be chargeable with the said Debtor or Debtors, in like manner as if such Debtor or Debtors had been Taken upon a Capias ad Satisfaciendum, upon a Judgment at Common Law.

And be it further Enacted by the Authority aforesaid, That the said several Sheriffs, Coroners, Bailiffs, Seneschals, Stewards and High-Constables in their respective Limits and Precincts, shall by the Authority of this Act, have full Power and Authority upon such Warrant of Execution, against any Person or Persons Goods at the desire of the Party or Parties, Plaintiff or Plaintiffs, his or their Agent or Servant, to Seize and Take the said Person or Persons Goods and Chattels Personal in Execution, and the same to Appraise by the Appraisers of the Parish or Barony where the same shall be so Taken or Seized, and shall give the Debtor or Debtors if so be he or they may be found, the first Refusal of the said Goods and Chattels Personal, at the Appraised Rate; which if the said Debtor or Debtors shall refuse or neglect to pay within Ten Days after such Appraisement, then the said Goods and Chattels Personal, shall be Sold and Delivered to the Plaintiff, his Servant or Agent, he or they paying according to the Appraised Values to the Party or Parties Interested, whatsoever Sum or Sums of Money the same shall amount unto over and above the said Principal Debt, Interest and Costs, according to the true Intent and Meaning of this Act, and for which the said Warrant of Execution shall be a sufficient Authority to the said Sheriff, Coroner, Bailiff, Seneschal, Steward and High-Constable, and to every or any of them, and that the said Sheriff, Coroner, Bailiff, Seneschal, Steward or High-Constable, shall make return thereon, in what manner the said Warrant was Executed, to the Register of the County, or his Deputy or Deputies, from whence the said Warrant of Execution shall, at or before the next Quarter Sessions of the Peace to be Holden for the said County, after such Execution Executed; which Warrant of Execution, with the Return thereof, shall be Read in the open Court, and there filed and kept by the said Register or his Deputy, and in Case the Sheriff, or any other Officer as aforesaid appointed by this Act, shall on any such Warrant of Execution, Take any Person or Persons, or his or their Goods or Chattels Personal, in pursuance or by colour of this Act, and shall refuse or neglect to Execute or make Return of such Warrant of Execution in reasonable time after the delivery thereof, and according to the Direction of this Act, upon reasonable Demand made by the Plaintiff or Plaintiffs, his or their Servant or Agent, that then such Sheriff, or other Officer as aforesaid, refusing or neglecting so to do, shall be liable to an Action on the Case at the Suit of the said Plaintiff or Plaintiffs, his or their Executors or Administrators in like manner as if the same had been an Execution, Executed on any Judgment at Law, either upon the Body or Goods; and shall pay treble Cost, in Case Judgment shall pass for such Plaintiff or Plaintiffs, his or their Executors or Administrators.

Provided always, and be it further Enacted and Declared by the Authority aforesaid, That all and every Person or Persons, Plaintiff or Plaintiffs in every such Warrant of Execution, shall from time to time, and at all times before such Execution, made and Executed, be at full Power and Liberty to make his Election or Choice, whether he will have the Body or Bodies, or Goods Personal, Taken in Execution of the Party or Parties, Defendant on such Warrant of Execution as aforesaid: And that the said Sheriff, Coroner, Bailiff, Seneschal, Steward and High

High-Constable, and every of them, shall pursue the Direction of the Plaintiff or Plaintiffs, his or their Servant or Agent therein; and in Case the Plaintiff or Plaintiffs, his or their Servant or Agent, shall procure the said Defendants Body to be Taken in Execution, then no further Execution on the Defendants Goods shall be during the continuance of the said Defendants Imprisonment; or in Case the Plaintiff or Plaintiffs, his or their Servant or Agent, shall procure such Defendants Goods and Chattels Personal to be taken in Execution, which on Appraisement, shall appear to be sufficient to Answer the said Complainants Debt, Principal, Interest and the Costs herein-after allowed; that then no Execution shall be made on the said Defendants Person, any thing herein contained to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for such Person or Persons to whom any Money shall be Due or Owning by such Bond or Bill, upon the back of such Bond or Bill in manner as is aforesaid directed to Transfer, or Assign the Money so Due and Owning, together with the Interest then Accrued or to Accrue, and the Costs paid in pursuance, or according to the direction of this Act, to any other Person or Persons whatsoever; and the same so Assigned or Transferred, such Assignee or Assignees, his or their Executors or Administrators, shall have the entire and sole Right, Interest and Property in the said Bond or Bill, together with the Money, Principal, Interest and Costs due thereon, Exclusive of any Right, Property, or Interest of any other Person or Persons, his or their Executors or Administrators, to whom the same was formerly Entred into, or Transferred or Assigned, and that no Release or Discharge of any such former Proprietor, after such Assignment or Transferring as aforesaid, shall any way Operate to the prejudice or Damage of the party or parties to whom the same shall be as aforesaid Assigned or Transferred; but that the Assignee or Transferee, Assignees or Transferees, his or their Executors, Administrators or Assigns, who have or hath the Right or Interest in the said Bond or Bill, shall have the Warrant of Execution in his or their own Name or Names, in as large, ample and beneficial manner, as if the said Bond or Bill had been at first made to him or them; any Law or Custom to the contrary notwithstanding.

Provided always, That the Transferring or Assigning of such Bond or Bill, shall not any way extend, or be Construed to Extend, to oblige the Person or Persons, or Goods and Chattels of the Party or Parties so Transferring, any thing in this Act, or any other Custom or Law, to the contrary herof in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That in Case any Person or Persons shall presume to Forge or Counterfeit any Justice of the Peace's Hand or Seal to any such Bond or Bill, or the Hand and Seal of Office of any such Register, or his Deputy or Deputies, to any such Warrant of Execution, or to any Indorsements by such Register or his Deputy, or Deputies made, Certifying, that such Bond or Bill was Registered according to or in Pursuance of this Act, such Person or Persons so Offending and thereof duly Convict, shall suffer such Pains, Penalties and Forfeitures as a Felon, without Benefit of Clergy.

And for the better preventing of all partial and unfair Practices, by any Sheriff, Coroner, Bailiff, Seneschal, Steward or High-Constable, in the Execution of this Act or any part thereof,

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Justices of Assize in their several Circuits and Ridings at their General Assizes, to and for the Justices of the Peace at their General Quarter-Sessions in their respective Counties, where such partial or unfair Practices shall be by them or any of them committed or done: And they are respectively hereby required upon complaint thereof, to cause the Party or Parties Offending as aforesaid, to be thereof Indicted; and in Case the Party Offending shall not submit, he shall be with all reasonable speed Tried, and if Verdict shall pass against him, or in Case he shall submit, that then the Judge or Judges of Assize or Justices of the Peace, or Major part of them, shall and may by the Authority of this Act, and are hereby required and lay such Fine as to them respectively shall seem meet and reasonable, not exceeding Ten Pounds, the same to be Levied within Thirty Days after such Fine Imposed by Warrant of the said Court respectively, where the said complaint shall be made, upon the Goods of the Person so Offending and Convict as aforesaid, without further Appeal or Suit in Law or Equity.

Provided always, That in Case the person so Offending, shall within the said Thirty Days make satisfaction to the party or parties grieved, and shall procure his or their Certificate, under his or their Hands and Seals to that effect and purpose to the Clerk of the Crown or Clerk of the Peace respectively directed, who is to Issue such Warrant as aforesaid; that then and in such Case, the said Clerk of the Crown or Clerk of the Peace respectively directed, who is to Issue such Warrant as aforesaid; that then and in such Case, the said Clerk of the Crown or Clerk of the Peace respectively, are hereby required to make stay of such Warrants, till the next Assizes or next Quarter-Sessions respectively; at which time it shall and may be Lawful to and for the Judge or Judges of the Assize, or Justices of the Peace, or Major part of them, upon Application made to them respectively, at their General-Assizes or General Quarter-Sessions in open Court, the party or parties Injured, being first satisfied as aforesaid, to reduce such Fine or Fines according to his or their respective discretion or discretions.

And be it further Enacted by the Authority aforesaid, That in Case any person or persons as aforesaid, Taken in Execution by any such Warrant of Execution in pursuance of this Act, shall Dye in Execution, the Debt shall not be discharged thereby, but be liable to be Levied and Ralled in Manner as aforesaid, by Warrant of Execution, upon his or their Goods and Chattels Personal, where ever they may be found in this Kingdom. And to the end Execution or Extortion of Fees for or concerning the Execution of this Act may be prevented.

Be it further Enacted by the Authority aforesaid, That the Register's Fees for Entering the said Bond or Will, and Certifying the same, shall be Six Pence and no more; And for Issuing a Warrant of Execution, One Shilling and no more; And for Entering of a Discharge of the said Bond or Will, Three Pence and no more: And for Entering each Transfer if desired, Two Pence and no more; And that the Fees of the said Sheriff, Coroner, Bailiff, Seneschal, Steward or High-Constable, for the taking of the said Obligo, or for taking of his Goods and Chattels on the said Warrant of Execution, shall be One Shilling and no more; And to the Appraizer or Appraisers of such Goods and Chattels Personal, Six Pence in the Pound and no more; And to such Officer or Officers to whom the Custody of the said person in Execution shall be committed, Six pence in the Pound and no more.

And be it further Enacted by the Authority aforesaid, That in Case any person or persons shall corruptly take, or make any false Oath or Suborn, or procure any person or persons corruptly to make such false Oath, for any matter or thing relating to this Act, such person or persons corruptly making such false Oath, or procuring such false Oath, corruptly to be made, being thereof Lawfully Convicted, shall for every such Offence incur and suffer such and the like pains and penalties, as are mentioned and prescribed, to be Inflicted on persons Offending in Cases of Perjury and Subornation, by one Act made in this Kingdom in the Eighteenth Year of the Reign of the Late Queen Elizabeth of ever Glorious Memory, Intituled, An Act concerning willful Perjury.

And for preventing of the Abuses or irregular proceedings which may be otherwise committed or done by Registers, or their Deputies in the Execution of this Act.

Be it Enacted by the Authority aforesaid, that every Register or his Deputy or Deputies of any County, or County of a City, or County of a Town within this Kingdom, shall and are hereby required to Deliver to the Clerk of the Peace at every Quarter-Sessions, and to the Justice of the Peace who is Chairman at such Quarter-Sessions, and to each of them a Book fairly drawn, and Signed by such Register or his Deputy, which shall be a true Copy of all Entries made since the former Sessions; in which Books, the said Clerk of the Peace and Justices of the Peace shall Enter respectively, such Rules, Orders and Proceedings, as shall be made at that Quarter-Sessions, and in open Court shall cause the said Register to Read over his Book, comparing it with the said Clerk of the Peace's Book, and the said Justice's Book, and making them all to agree; which being done, the said Justice of the Peace, Register or his Deputy, and the Clerk of the Peace, shall all of them in open Court, in the presence of the Justices composing the said Court, Sign their respective Names in each Book, and then the said Justices of the Peace shall keep one of them, the Register another, and the Clerk of the Peace the third, which said Books or two of them at least, shall be from Session to Session, brought into Court by the respective persons aforesaid.

C H A P. XLI.

An Act for Dividing the Parish of Saint Michan's within the City and Suburbs of Dublin, into three distinct Parishes.

Whereas that part of the City and Suburbs of Dublin, lying Northward of the River Liffy, commonly called Oxman-town, consists only of one Parish, called the Parish of Saint Michan's; and by the late increase of Buildings and Inhabitants there, is become a Cure too great to be Discharged by one single Minister, and the Parochial Church there, is not large enough for the convenient accommodation of the Parishoners there, to hear Divine Service, and perform Religious Duties in, as also for that some part of the same Parish lyeth at too great a distance from the Parochial Church.

For Remedy therefore of the said inconveniencies, and to the end that the Cure of the Souls of the Inhabitants of the said circuit of Ground may be better attended, then the same can be by one single person, and the said Inhabitants be Encouraged by the accommodation they will have for the Worship of God, in publick, frequently and constantly to resort to their severall Parish Church, for the due performing their Religious Duties there.

Be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the said Parish of Saint Michan's Hall, from the Twentieth Day of November next, which will be in this present Year of our Lord One thousand six hundred ninety seven, be Divided into three severall Parishes, and the said precinct, or compacts of Ground, of which the same doth now consist, shall from the said Twentieth Day of November next, for ever hereafter, be three severall Parishes, to be divided, separated, and distinguished as is herein-after mentioned, and be called by the Names of the New Parish of Saint Michan's, the Parish of Saint Mary, and the Parish of Saint Paul; according to such their Division and Description after-mentioned, each of which, shall be separate, and independant from the other, and shall each of them by themselves have all Parochial rights and priviledges, as separate and distinct Parishes: And that there shall be for each of them a severall Parochial Church, and a Rector, or Minister severall and independant from the other, and constant and perpetual succeeding Rectors, or Ministers there for ever, who shall each of them respectively have Cure of Souls in the said respective Parishes, and have, enjoy, and receive from the Inhabitants of their said respective Parishes, all such Tythes, Oblations, Obventions, Ministers Money, Mortuaries, Easter Weeks, and other Duties, Rates, Assessments, or Taxations, as Arise, Grow, or Renew within the said respective Parishes, and are due, and of right ought to be paid to the Rectors or Ministers of such Parishes: And that there shall be for each of the said Parishes, Church-wardens, a Parish-Clerk, and other usual Parish Officers, in succession for ever, who shall perform the severall and respective Parish Duties, belonging to their respective Offices, and have and receive the severall and respective profits, benefits, priviledges, and advantage usually enjoyed, with and of right belonging to such respective Offices in Parishes.

And be it further Enacted by the Authority aforesaid, That that part of the Old Parish of Saint Michan's herein after particularly described, and containing the particular Streets, Lanes, Places, and Houses herein after mentioned, shall from the said Twentieth Day of November next, be the Parish of Saint Paul, and so for ever hereafter be called, deemed and taken; That is to say, all those the Houses and Lands on the West side of Smithfield, and also an Alley there called Peter's Alley on both sides, and cross Channel-Row, the breadth of the said Peter's Alley, to the Countess Dowager of Drogheda's House, excluding the said House, and from the said Countess of Drogheda's House Westward and Northward as far as the ancient Bounds of the Parish of Saint Michan's do extend, and from the said West side of Smithfield, Southward by the Glass-house, including the said Glass-house; as also the back Stables and Arran's Key, to Mr. Thornton's House, exclusively as far as the River Liffy, and thence also Westward as far as the Bounds of the Old Parish reach.

And be it further Enacted, That all that parcel of Ground within the Parish of Saint Paul, herein after described (That is to say) all that part of the Ground or Green, called Oxman-town-Green, lying at the South end thereof, as the same is

now staked and set out, containing from East to West, One Hundred and Twenty Foot, and from South to North, Two Hundred and Fifty Foot, shall be set-apart, and applied to, and for ever after the said Twentieth Day of November next, Held and Enjoyed for the Uses following, viz. such part thereof as by the chief Governour or Governours, and Council of this Kingdom for the time being, shall be appointed for that purpose, to be for the Building of a Parish Church, Vestry-House, and other Rooms and conveniencies necessary for a Church for the Use of the Minister and Parishioners of the said Parish to serve God there, and the residue thereof to be for a Church-Yard, Cemetery, or Burying place, for the Use of the said Parishioners of the said Parish; which said Church, as soon as the same shall be Built, shall be Dedicated to the Service of God, and be a separate Parish Church distinct from the Old Parish Church of Old Saint Michan's, aforesaid, and be called the Parish Church of the Parish of Saint Paul, and that Ezekiel Burridge, Clerk, Master of Arts, shall be the present, and immediate Rector, or Minister of the said Church, after the said Twentieth Day of November next, subject nevertheless to the Visitation and power of the Ordinary of the Diocese, in such manner as the Rector of the Old Parish was, and no otherwise, and to such other Canons, Rules and Laws Ecclesiastical, as Ministers, or Rectors of Churches are usually, and of right ought to be subject or liable unto; and that Edward Corker, and Henry Westenra, Esquires, shall be the present and immediate Church-Wardens for the said Church, to continue in their said Office until the Feast of Easter, which shall be in the Year of our Lord One thousand six hundred ninety nine, at which time, and so for ever hereafter, at every Easter in each Year, Two others shall be chosen in the Vestry of the said Parish according to the usual course for choosing such Officers.

And it is hereby further Enacted, That all that part of the said Parish of Old Saint Michan's, herein after particularly described, and containing the particular Streets, Lanes, Places and Houses, herein-after mentioned, shall after the said Twentieth Day of November next, be the Parish of Saint Mary, and so for ever hereafter be called, termed, and taken (That is to say) all that Street called Capell-Street, from Essex-Bridge, all Strand-Street to the corner of White-Lyon Court, including the said Court, Saint Mary-Abby on both sides to Boot-Lane, exclusively of the said Lane, Saint Mary-Street on both sides to Boot-Lane, exclusively of the said Boot-Lane, the Houses of Edmund Reynell and Richard Thompson, Esquires; and thence up Drumcondra-Lane, as far as the Old Parish of Saint Michan's reacheth, and all that part of the said Old Parish as lies Eastwards of the said Bounds of the Parish of Saint Mary already described.

And be it further Enacted, That all that parcel of Ground within the said Parish of Saint Mary, herein after described (That is to say) that part of Ground on Piphoe's-Park, fronting Northward to the pavement on the South side of Saint Mary-Street over against Sir Arthur Cole's House where the Lord Chancellor now dwelleth, containing from East to West, One Hundred and Thirty Foot, and from North to South to Abbey-Street, Two Hundred Foot, and Bounded on the East and West, with the Ground intended for Two new Streets, not yet named, shall be set a part and applied to and for ever after the said Twentieth Day of November next, be Held and Enjoyed for the Uses following, viz. such part thereof, as by the chief Governour or Governours, and Council of this Kingdom, for the time being, shall be appointed for that purpose, to be for the Building a Parish Church, Vestry-House, and other Rooms and conveniencies necessary for a Church, for the Use of the Minister and Parishioners of the said Parish of Saint Mary, to serve God there, and the residue thereof, to be for a Church-Yard, Cemetery, or Burying place, for the Use of the Parishioners of the said Parish and the said Church as soon as the same shall be Built, shall be Dedicated to the service of God, and be a separate Parish Church, distinct from the Old Parish Church of Saint Michan's, aforesaid, and be called the Parish Church of the Parish of Saint Mary, and that Peter Brown, Clerk, Bachelor of Divinity, shall be the present and immediate Rector, or Minister of the said Church, after the said Twentieth Day of November next, subject nevertheless to the Visitation and power of the Ordinary of the Diocese, in such manner, as the Rector of the said Old Parish of Saint Michan's was and no otherwise, and to such Canons, Rules and Laws Ecclesiastical, as Ministers and Rectors of Churches are usually, and of right ought to be subject or liable unto; and that Robert Rochfort, Esquire, His Majesty's Attorney General, and Allan Brodrick, Esquire, His Majesty's Solicitor General, shall be the

the present and immediate Church-Wardens for the said Church, to continue in their said Office, until the said Feast of Easter, in the Year of our Lord, One thousand six hundred ninety nine, at which time, and so for ever hereafter, at every Feast of Easter in each Year, Two others shall be chosen in the Vestry of the said Parish according to the usual course for choosing such Officers.

And it is hereby further Enacted by the Authority aforesaid, That all the rest and residue of the said Parish of Old Saint Michan's, not herein before taken out, or appointed for the said Parishes of Saint Paul and Saint Mary, or either of them, shall be the New Parish of Saint Michan's, and so for ever after the said Twentieth Day of November next, be called, deemed and taken. And that the now Parish Church, in the Old Parish Church of Saint Michan's, and the Rectory thereof shall be and be called the Prebend of Saint Michan's, belonging to the Cathedral of Christ Church, Dublin, as the Rectory of the Old Parish of Saint Michan's was; and the same Church, with the Church-Yard, Cemetery, Vaults, Vestry-House, Rooms and Buildings, and Burialling places belonging to the said Old Parish of Saint Michan's, shall for ever after the said Twentieth Day of November next, be for the Use of the Minister, and Parishioners of the said New Parish of Saint Michan's, for, and in Order to the service of God there, and for a Cemetery, Church-Yard, or Burialling place for the Parishioners of the said Parish; and that John Clayton, Clerk, Master of Arts, shall be the present and immediate Rector, or Minister of the said Church, after the said Twentieth Day of November next, and be a Prebendary of the Cathedral of Christ Church, in Dublin, as the Rector of the said Old Parish was, subject nevertheless to the Visitation, and power of the Ordinary of the Diocese, in such manner as the Rector of the said Old Parish of Saint Michan's was, and no otherwise, and to such other Canons, Rules, and Laws Ecclesiastical, as Ministers and Rectors of Churches are usually, and of Right ought to be subject and lyable unto; and that Sir Patrick Dunn, Knight, Doctor in Physick, and Charles Ward, Esquire, shall be the present and immediate Church-Wardens for the said Church, to continue in their Office until the Feast of Easter, which shall be in the Year of our Lord, One thousand six hundred ninety nine, at which time, and so for ever hereafter, Two others shall be chosen in the Vestry of the said Parish according to the usual course for choosing such Officers.

And be it further Enacted by the Authority aforesaid, That the several Rates and Taxations already Made, and Settled for the several Houses and Lands within the said several Parishes before the Division thereof, while the precincts thereof were part of the Parish of Old Saint Michan's, and which were payable, or intended to be payable to the Minister, or Rector of the said Old Parish shall be the Rates and Taxations payable, and to be paid in each of the said New Parishes to the respective Rectors or Ministers hereby appointed for such New Parish and other succeeding Rectors or Ministers for ever, for the several Houses and Lands, in each of the said New Parishes respectively.

And be it further Enacted by the Authority aforesaid, That the Chief Governour or Governours, and Council of this Kingdom, shall with all convenient speed, after the said Twentieth Day of November, next, Constitute and Appoint a certain Number not exceeding Seven, of Discreet Persons Inhabiting in the said Old Parish of Saint Michan's according to the Extent of the said Parish before the making of this Act, to be Commissioners for Creating the said New Churches, Enclosing the Church-yards, Erecting Galleries, Pulpits, Desks, Pews, and other necessary Ornaments of the said Churches, and also for Repairing the said Old Parish Church of Saint Michan's; who are hereby required within one Month after they shall be so nominated and Appointed, to give in an Estimate in Writing, to the said Chief Governours and Council for the time being, under the Hands of five or more of them, of the Charges necessary for Building, finishing and Repairing the said several Churches and providing such Ornaments; after which Estimate so Returned in, the Chief Governour or Governours and Council of this Kingdom, shall nominate and Appoint such Person or Persons as to them shall seem meet, to Take and Receive the Subscriptions, and Contributions of such Person and Persons, Bodies Politick and Corporate, as shall be willing to Contribute any thing towards the Building the said Churches and other Conveniences, and to Collect and Receive the Money so Subscribed; of which Subscriptions and Collections, such Person or Persons so to be Appointed, shall within Three Months after their being so Appointed, make true return to such Chief Governour or Governours and Council, and pay the same

according to their Direction, And for the Levying and Raising to such as shall Remain to be Raised of the said Sum Required in such Estimate, it shall and may be Lawful to, and for the Chief Governour or Governours, and Council of this Kingdom for the time being, to Appoint Thirty Discreet Persons Inhabiting within the said Parish of Old Saint Michan's, as the same was before the making this present Act, to be Assessors, and Applotters, to Applot and Apportion such Sum so remaining, to be Raised, or so much thereof as shall be thought Necessary, and Approved of by the said Chief Governour or Governours, and Council of this Kingdom on the several Inhabitants, Owners, and Occupiers of the several Houses, Lands, and Tenements, within the said Old Parish of Saint Michan's, as the same was before the making of this Act respectively, by an equal Pound Rate according to the Yearly value of such Houses, Lands and Tenements, and to settle what proportion shall be paid thereof by the Landlord, and how much thereof by the Tenants, and to make a true Return of such Assessment and Applotment, under their Hands or the Hands of Seventeen or more of them, to the said Chief Governour or Governours, and Council of this Kingdom, within Two Months after they shall be so Appointed Assessors, in manner aforesaid; and such Assessors so to be Appointed, are hereby required to make such Applotment and to return the same accordingly.

And be it further Enacted by the Authority aforesaid, That the Sum and Sums so Applotted on the Inhabitants, Owners, and Occupiers of such Houses, Lands and Tenements, according to such Pound Rate, shall be Paid by Eight Quarterly Payments in Two Years next Ensluing such Applotment; the first Quarterly Payment to Commence on the Twenty Fifth Day of September, which shall be in the Year of our Lord One thousand six hundred ninety eight, which Return being Approved of by such Chief Governour or Governours, and Council for the Time being, shall be as Good and Effectual a Charge on every particular Inhabitant, Owner or Occupier of any House or Houses, Lands or Tenements there, as if the very same Sum or Sums had been particularly Express and Enacted to be charged upon such Inhabitant, Owner, or Occupier of such House or Houses, Lands and Tenements, and shall be paid by such Person or Persons, on whom they shall be so charged respectively.

Provided always, That no Person or Persons shall Act as Commissioner, or Assessor, in manner aforesaid, before he or they shall have taken an Oath before the Lord-Mayor, or Recorder of the City of Dublin, for the time being, who are hereby Authorized to Administer the same, Truly to Assess each Inhabitant, Owner, or Occupier of any House or Houses, Lands or Tenements, within the said Parishes; and every of them according to the best of his, or their Skill, or Knowledge, without Favouring any Person or Persons for Favour or Affection, or Charging any Person through Hatred or Prejudice; which said Assessors shall each of them be Taxed and Assessed by themselves, by the Majority of the Parishioners of the said Old Parish of Saint Michan's, at an Assembly of them to be had for that purpose, in the nature, and according to the course of their holding a Vestry; and each of the said Assessors shall withdraw during the time of their respective Assessment, and and not be present at the making of the same.

And be it further Enacted, That it shall, and may be lawful, to, and for the said Chief Governour and Governours and Council of this Kingdom, for the time being, to remove any such Commissioner or Assessor, as they shall see cause, and to appoint one or more other Person or Persons of the said Parish in the Room of such as shall be so removed; and also on the Death of any such Commissioner or Assessor, to Appoint others of the said Parish in their Room from time to time.

And be it Enacted by the Authority aforesaid, That it shall and may be lawful, to, and for the said Commissioners and Assessors, or the Major part of them; and they are hereby required to Appoint, and Return to the said Chief Governour or Governours and Council, under their Hands, or the Hands of Seventeen or more of them, the Names of Five Persons to be Supervisors for Repairing the said Church of Saint Michan's, and Building and Providing the said Two New Churches, and other Conveniences belonging thereunto, and for Disbursing and Laying out the Sum and Sums of Money to be Expended, in, and about the same: As also for Taking and Receiving all Accounts relating thereunto, which they, and each of them, are hereby Required to Execute accordingly; the said Accounts nevertheless, to be Subject to the Inspection and Control of the Commissioners and Assessors, aforesaid, or any Seventeen of them.

And

And it is hereby further Enacted, That the said Supervisors, or any five or more of them, shall, and may from time to time, and as often as they shall think fit, appoint Two or more Persons to be Collectors for the said Parishes, or such Parts of them, or either of them, as they shall think fit to Collect, and gather the several Sum and Sums so to be sett, and charged on the several Persons within the limits of such their respective Collections; who are hereby Required to Collect and gather in the same accordingly, and to pay what they shall so Collect from time to time, as they shall be thereto, Required to such Person or Persons as by the said Supervisors or any five or more of them, shall be appointed Treasurer, or Receiver for the same, as is herein after mentioned, whose Receipt for the same shall be a sufficient Discharge to such Collectors. And such Collectors shall from time to time, when thereunto required by the said Supervisors, or any five or more of them, render a just and true Account to them, of such their several Collections, and Payments, on which Account they shall be allowed for their Pains in such Collection, such Sum and Sums of Money, not Exceeding Twelve Pence in the Pound, as such Supervisors shall agree with them for, or think fit; and that the said Collectors shall, and are hereby required, in Case of Neglect, or Refusal of any Person or Persons, to pay the Sum charged on him or them, to Levy the same by Warrant under the Hands and Seals of the said Supervisors, or any five or more of them, by Distress and Sale of the Goods of such Inhabitant, Owner, or Occupier, so refusing to pay the Sum or Sums so Assessed, or Apportioned on him or them, rendering the surplus to the Owner of such Goods.

And that the said Supervisors, or any five or more of them, shall within Twelve Months after the said Twentieth Day of November next; and so once every Year, until the said Churches shall be Built, name one or more person or persons, to be Treasurer, or Receiver for the ensuing Year, of all such Money as shall be Collected, or Raised for the said Work; such Treasurer to be approved of by the said Commissioners or Assessors, or any seventeen of them. And the said Treasurer shall also pay such Summ or Summe for the Uses aforesaid, as by the said Supervisors, or any five or more of them shall be Directed: And that the said Treasurer shall for his pains and trouble therein, Receive such Salary, as by the said Supervisors, or any five or more of them shall be deemed reasonable, not exceeding Three pence in the Pound: And the said Supervisors, shall also out of the Money to be Collected, as aforesaid, have and Receive such Reward, as by the said Commissioners, or any seventeen of them shall be Deemed reasonable, and shall also from time to time, make such Rules, Orders and Directions, for, and towards the carrying on of the aforesaid Buildings, and Works, as to them, or the Major part of them shall seem meet and reasonable.

Provided always, that if any person or persons, shall think him or themselves aggrieved or injured by the said Commissioners, Assessors, or Supervisors: It shall, and may be lawful to, and for such person and persons, to make his and their complaint to the chief Governour or Governours, and Council of this Kingdom for the time being, who are hereby Impowered to give such Redress and Relief, to the person and persons so complaining, as to them shall seem just and reasonable.

And be it further Enacted by the Authority aforesaid, That from, and after the said Two Churches shall be Built and Finished, as aforesaid, and the said Old Church of Saint Michan's once Repaired, the Minister or Rector, and Parishioners of each of the said Parishes, shall, and may hold Vestries, and make By-Laws, Rules and Orders, for the Regulation and Ordering of their respective Parishes, Reparations of the said Parish Churches from time to time, and all other matters incident to Parishes, according to course, and as any other Parishes, of and in the City of Dublin, or elsewhere, may or can do, which shall have the same, and no greater force and effect in Law, as By-Laws, Rules and Orders made in such other Parishes, have, or ought to have.

Provided always, That nothing in this Act contained, shall extend to bar or hinder the Reverend Doctor John Pooley, Dean of Kilkenny, and late Incumbent of the said Old Church of Saint Michan's, Richard Tigh, Robert Constantine, and Andrew Rock, late Church-Wardens for the said Church, or either of them, their, or either of their Executors or Administrators, from Recovering all such Summs as have been Directed to, or for them, or either of them, by Virtue of any Decree, Act of Assembly, or otherwise by them heretofore obtained against the Parishioners, and Inhabitants thereof.

And it is hereby further Enacted, That the right of Patronage of the said Rectories and of Presentation to the said Three Churches on the avoidance of each of them respectively, by the Death, Cession, or Removal of the respective Incumbents hereby appointed for the same, shall belong unto the Dean and Chapter of Christ Church in Dublin, and their Successors for ever, in such manner, as the Nomination, or Presentation to the Rectory of the Old Parish of Saint Michan's did belong to them, and no otherways.

And whereas there are several Sums of Money due, and in Arrear from several of the Parishioners of the said Old Parish of Saint Michan's, to the Reverend Doctor John Pooley, Dean of Kilkenny, and late Rector, or Minister of the said Old Parish, for the Taxation or Assessment of the said Parishioners, towards the support of the Minister thereof, for their respective Houses or Lands within the said Parish.

Be it Enacted by the Authority aforesaid, That the said Dean of Kilkenny, his Executors or Administrators, notwithstanding his Removal from the said Parish, by his promotion to the Bishoprick of Cloyne, or by this present Act, shall, and may have and maintain such Remedy for Recovery of such Arrears, as before such his Removal he might have had or maintained; or in case he the said Dean of Kilkenny, shall choose rather to bring his Action of Debt for such his Arrears, in any of His Majesty's Courts of Dublin; he shall, or may have and maintain such Action for such Arrears, against the respective persons from whom the same are so due, his or their Executors or Administrators.

And it is hereby further Enacted, That the Summ of Twelve Pounds, Eleven Shillings, being payable to His Majesty, for the First Fruits of the said Old Parish of Saint Michan's, shall be paid and born by all the said Parishes in manner, and according to the proportions following, viz. the Summ of Three Pounds part thereof by the Minister or Rector of the said Parish of Saint Paul's, for the time being; The Summ of Four Pounds more thereof, by the Rector or Minister of the said Parish of Saint Mary, for the time being; And the Summ of Five Pounds Eleven Shillings, residue of the said Summ of Twelve Pounds, Eleven Shillings, by the Minister or Rector of the said New Parish of Saint Michan's, for the time being; and that the Twentieth part also due to His Majesty, for the said Old Parish shall be paid and born by the Ministers of the said several Parishes respectively, according to the same proportions, as the said First Fruits are herein before appointed to be paid.

ACTS and STATUTES Made in a Parliament Begun at Dublin the Twenty Seventh Day of August, Anno Dom. 1695. In the Seventh Year of the Reign of Our Most Gracious Sovereign Lord King William. Before His Excellency Henry Lord Capell, Lord Deputy General, and General Governor of of His Majesties Kingdom of Ireland. And continued by several Adjournments and Prorogations before Their Excellencies Charles Lord Marquis of Winchester, and Henry Earl of Galway, Lords Justices General and General Governors of His Majesty's Kingdom of Ireland.

C H A P. I.

An Act for the Relief and Release of poor Distressed Prisoners for Debt or Damages.

C H A P. II.

An Act for Reforming Abuses in making of Butter Cask, and preventing of false Packing of Butter.

Inasmuch as Butter is one of the principal Commodities of the Product of this Kingdom, and is not only of an Universal Use and Expence at Home, but very great Quantities thereof are Transported beyond the Seas.

And whereas by custom, every Barrel of Butter ought to Weigh Two Hundred Sixty four Pounds Gross at the least; that is to say, Two Hundred Twenty four Pounds of Peat Butter, and the Cask not to exceed in Weight Forty pounds. Every Three Quarter Barrel ought to Weigh One Hundred Ninety Eight pounds Gross (viz.) One Hundred Sixty Eight pounds of Good and Merchantable Butter, Peat, and the Cask not to exceed in Weight Thirty pounds. Every Half Barrel of Butter ought to Weigh One Hundred Thirty Two pounds (viz.) One Hundred and Twelve pounds of Good and Merchantable Butter, Peat, and the Cask not to exceed in Weight Twenty pounds. And every Firkin of Butter ought to Weigh Sixty Six pounds (viz.) Fifty Six pounds of Good and Merchantable Butter, Peat, and the Cask not to exceed Ten pounds. And

And whereas great complaint hath been made by the Merchants and Traders in Butter, That by the fraudulent Dealing and Practices of Coopers, in making the Cask for package of Butter, of unseasoned Timber, and of several Farmers, Owners and Packers of Butter, who by their irregular manner of Weighing with Stones, and other Unwarrantable Weights, and packing their Butter in Cask Weighing more than they ought to do, not only being a great dishonour to this Nation in the parts beyond the Seas; but also the said Commodity is brought in great Dis-repute abroad, whereby it yields not that price, nor is Vended there in such Quantities as otherwise it would. For prevention whereof, May it please Your Majesty, That it may be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Twenty fifth Day of March, which will be in the Year of our Lord God, One thousand six hundred ninety eight, no Cooper nor other person whatsoever in this Kingdom of Ireland, shall hereafter at any time presume to make or cause to be made any Butter Cask whatsoever for Sale; but such only as shall be made of sound, dry and well seasoned Timber, according to the several Sizes and Weights herein-after mentioned and known by the several Names following (that is to say) the Firkin, Half-Barrel, Three Quarter Barrel and Barrel. And that every Firkin do and shall contain Two Quarters of an Hundred, at five Score and Twelve pounds to the Hundred, Peat, besides the Care of the Cask, and not less, of Good and Merchantable Butter, and that Cask not to weigh above Ten Pounds, and to contain and hold Seven Gallons: And every Half-Barrel do and shall contain One Hundred Weight, Peat, at five Score and Twelve Pounds to the Hundred, and not less, of Good and Merchantable Butter, besides the Weight of the Cask, and the Cask not to weigh above Twenty pounds, and to Measure Fourteen Gallons: Every Three Quarter-Barrel do and shall contain One Hundred and Two Quarters, Peat, at five Score and Twelve pounds to the Hundred, besides the Weight of the Cask, and not less, of Good and Merchantable Butter, and the Cask not to weigh above Thirty pounds, and to Measure Twenty One Gallons: And every Barrel do and shall contain Two Hundred Weight, Peat, at five Score and Twelve pounds to the Hundred, besides the Weight of the Cask, and not less, of Good and Merchantable Butter, and the Cask not to weigh above Forty pounds, and to Measure Twenty Eight Gallons. And that every such Cask hereafter to be made, shall be made with Three Hoops on each Quarter, to be set on with Twigs, or sufficiently Notched, and have Two Heads to be put into Riggles, and made tight, so as to hold Pickle, and that no Cap Heads be hereafter made for any such Cask to be Expoted to Sale as aforesaid. And for the better discovery of all Frauds or Abuses which shall be committed against this Act,

The Weight and Content of every Cask.

Be it further Enacted by the Authority aforesaid, That every Cooper or other person making Cask for putting Butter in as aforesaid, shall set upon every Firkin, Half-Barrel, Three Quarter-Barrel, and Barrel so made of seasoned Timber as aforesaid, a Mark with the first Letter of his and their Christian Name, and his and their Sir-Name at length, with an Iron Brand, with a Mark for the City, Town, Village or Parish wherein he Lives; and that every Farmer and other person or persons hereafter at any time packing up Butter, or Expoling the same to Sale, shall from and after the said Twenty fifth Day of March, One thousand six hundred ninety eight, pack up his Butter in such sufficient Cask made of sound, dry and well-seasoned Timber, and Marked as aforesaid, and in none other, and shall set upon every such Firkin and Cask when the same is fully and thoroughly seasoned, by filling such Cask with Water, and not to be put standing in Water; and when the same is filled with Butter, the first Letter of his and their Christian Name, and his and their Sir-Name at length with an Iron Brand; and if the said Cooper or Farmer, or other person or persons whatsoever making Cask or packing up Butter, or Expoling the same to Sale as aforesaid, shall at any time from and after the said Twenty fifth Day of March, One thousand six hundred ninety eight, Offend by omitting to do what he or they are required by this Act to do and perform, he or they so Offending, and being Convicted upon Oath of the said Offense, before one or more of His Majesty's Justices of the Peace, or chief Magistrate of any Corporation, by one or more Witnesses or WITNESSES, which Oath,

What Mark to be set on the Cask.

The Penalty.

the said Justice or Justices, or chief Magistrate are hereby Impowred, and are required to Administer, or upon confession of the Offender or Offenders before such Justice or Justices, or chief Magistrate, the said party or parties so Offending, shall forfeit for every such Offence, to the Use of the Poor of the Parish where such Offence shall be committed, the Sum of Ten Shillings for every Hundred Weight of Butter, and so proportionably for every greater or lesser Quantity that shall be in every such Cask, to be Levied by Distress and Sale of the Offenders Goods and Chattels, the Overplus to be restored after all charges of the said Distress defrayed: And every Constable of the Parish or chief Constable of the Barony where such Offence shall be committed, are hereby Authorized and Required to Levy the same accordingly, by Warrant under the Hand and Seal of such Justice or Justices, or chief Magistrate so to do: and in case such Offender or Offenders shall not have Goods and Chattels sufficient for the Levying the said Penalty, that then it shall and may be Lawful for the Justice or Justices, or chief Magistrate before whom such conviction shall be made, by Warrant under their Hand and Seal, to appoint such Offender or Offenders, to be publickly set in the Stocks for the space of Two Hours.

Five Score and Twelve Pounds to the Hundred.

And be it further Enacted by the Authority aforesaid, That all Goods and Merchandizes of the Growth and Manufacture of this Kingdom, usually Sold by the Hundred Weight, shall from and after the said Twenty fifth Day of March, One thousand six hundred ninety eight, be Bought and Sold at Five Score and Twelve pounds to the Hundred Weight, and no more, upon pain of forfeiture of the Sum of Ten Shillings, for Buying and Selling any Goods and Merchandizes, contrary to the true Intent and Meaning of this Act.

And be it further Enacted by the Authority aforesaid, That if any Action or Suit shall be commenced or brought against any Justice or Justices of the Peace, or chief Magistrate, Constable or other person whatsoever, for doing or causing to be done, any thing in pursuance of this Act concerning the said Offences; the Defendant or Defendants in such Action, shall and may plead the General Issue, and give the special Matter in Evidence; And if upon such Action, Verdict be given for the Defendant or Defendants, or if the Plaintiff become Non-Suit, or discontinue his Action, then the Defendant or Defendants shall have treble costs.

To be Prosecuted in three Months.

Provided always, and it is hereby Enacted by the Authority aforesaid, That no person shall be Prosecuted or Troubled for any Offence done against this Statute, unless the same be proved or prosecuted within the space of Three Months next after the Offence committed.

This part Expired.

And whereas in an Act passed this present Session of Parliament, Intituled, An Act for Granting an Additional Duty on Tobacco, and for continuing unto His Majesty an Aid or Additional Custom on several Goods and Merchandizes, and also for continuing the Additional Duty on Beer and Ale, and other Liquors, till the Twenty Fifth of December, One thousand seven hundred and two, it is among other things Enacted as follows; That is to say,

Be it further Enacted by the Authority aforesaid, That all Tobacco, Pistins, Callicoes, and all sorts of Linnen, Scotch Cloth and Wines, except Wines of the Growth of Spain, and of the Dominions thereunto belonging, that shall be Imported into this Kingdom at any time, from and after the Four and Twentieth Day of December, One thousand six hundred ninety nine, unto the Five and Twentieth of December, One thousand seven hundred and two, and no longer, shall answer and pay unto His Majesty, His Heirs and Successors, over and above all Rates and Duties due, or payable for or out of the same, by Vertue of any former or other Law in this Kingdom, &c. In which Clause the Word Thousand is omitted, after the Word One, and before the Words Seven hundred and two, whereby some Doubt may hereafter arise; Whether the said Duties on Tobacco, Pistins, Callicoes, Linnen, Scotch Cloth and Wines, Imported after the Twenty Fourth of December, One thousand six hundred ninety nine, unto the Twenty Fifth of December, One thousand seven hundred and two, may be demanded or ought to be received. For the Removing therefore of the said Doubt, and Explaining the said Act in that particular,

Be it Declared and Enacted by the Authority aforesaid, That the said Act shall at all times hereafter be construed and taken in the same, and no other sense or meaning, then as if the Word Thousand had not been omitted, between the Words before-mentioned; and that the Duties and Additional Duties, by the said before Recited Act, intended to be Granted for, and out of Tobacco, Pistins, Callicoes, Linnen,

Linnen, Scotch Cloth and Wines, aforesaid, Imported into this Kingdom, from the Twenty fourth of December, One thousand six hundred ninety nine, shall be demandable by, and payable to His Majesty, out of all such Goods and Commodities to be Imported into this Kingdom, from the said Twenty fourth of December, One thousand six hundred ninety nine, to the Twenty fifth of December, One thousand seven hundred and two, and no longer, in the same manner as if the Word Thousand had not been omitted in the said former Act, but the same had been in the following Words, One thousand seven hundred and two.

C H A P. III.

An Act for Raising the Sum of One Hundred and Twenty Thousand Pounds on all Lands, Tenements and Hereditaments in this Kingdom.

C H A P. IV.

An Act to compleat the Supply to His Majesty, and to Build and Finish the Barracks in this Kingdom.

WHE Your Majesty's Most Obedient and Dutiful Subjects, the Commons in Parliament Assembled, in Addition to the former Aids given unto Your Majesty, for the defraying the publick Expence of this Kingdom, and also for Building a sufficient Number of Barracks therein, in Addition to the Barracks and Redoubts already Built or Begun; have Granted unto Your Majesty the Additional Duties hereafter mentioned, on the Goods hereinafter expressed; And do beseech Your Majesty that it may be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That an Additional Duty of One penny per Pound be Raised and Levied upon all Tobacco that shall be Imported into this Kingdom, from and after the Twenty fourth Day of December, One thousand six hundred ninety eight, until the Twenty fifth Day of December, which will be in the Year of our Lord One thousand seven hundred and two: The said Additional Duty of One penny per Pound on all Tobacco as aforesaid, to be Raised and Paid over-and-above all Rates and Duties, due or payable for or out of the same, by Virtue of any former or other Law in this Kingdom.

How the Monies to be raised for the Building and Finishing the Barracks.

And whereas it is found necessary to answer the Ends aforesaid, That the Additional Rates and Duties Granted to His Majesty on Tobacco by several Acts made in this present Parliament, and the penny per Pound Granted by this Act, shall be continued till the Twenty fourth Day of June, One thousand seven hundred and three.

Be it further Enacted by the Authority aforesaid, That all Tobacco that shall be Imported into this Kingdom at any time from and after the Twenty fifth Day of December, which will be in the Year of our Lord One thousand seven hundred and two, until the said Twenty fourth Day of June, which will be in the Year of our Lord One thousand seven hundred and three, shall Answer and Pay unto His Majesty, His Heirs and Successors, the Additional Duty of Three pence Half-penny for each pound Weight of Tobacco to be Imported into this Kingdom, from the Twenty fifth of December, One thousand seven hundred and two, to the Twenty fourth Day of June, One thousand seven hundred and three, over-and-above the Duty of Two pence Half-penny per Pound, payable to His Majesty, out of each Pound Weight of Imported Tobacco, by Virtue of the Laws and Statutes in Force in this Kingdom before the commencement of this present Parliament, so as during the time aforesaid, between the said Twenty fifth Day of December One thousand seven hundred and two, and the said Twenty fourth Day of June, One thousand seven hundred and three, and no longer, all Tobacco Imported shall by Virtue of this Act, pay Three pence Half-penny for each Pound Weight over-and-above the Hereditary Revenue due to the Crown out of Tobacco Imported, and each pound of Tobacco Imported between the Twenty fifth Day of December, One thousand six hundred ninety eight, and the Twenty fourth of June, One thousand seven hundred and three, shall by Virtue of this Act and all other Laws in Force in this Kingdom, pay in the whole, the Duty of Six pence per Pound during the time aforesaid, and no more, or greater Duty; which said several Du-

ties of One penny per Pound, and Three pence Half-penny per Pound, shall and may be Raised, Collected, Levied and Paid unto His Majesty, His Heirs and Successors, during the respective times aforesaid, at the like times and in the same manner and place, and by such Rules, Ways and Means, and under such Penalties and Forfeitures as are mentioned, appointed and expressed in and by one Act of Parliament made in a Session of Parliament which began the Seventeenth Day of April, in the Fourteenth Year of the Reign of the late King Charles the Second, Intituled, An Act for Settling the Excise or New Impost upon the said late King Charles the Second, His Heirs and Successors, according to the Book of Rates in the said Act inserted for Levying and Collecting the several Rates and Duties Granted and Imposed by the said Act.

Provided always, and be it further Enacted by the Authority aforesaid, That the Merchant or other Importer of any Tobacco so charged as aforesaid, with the said Additional Duty of One penny per Pound Weight, from the said Twenty Fourth Day of December, One thousand six hundred ninety and eight, until the said Twenty Fifth Day of December, One thousand seven hundred and two, and with the said Additional Duty of Three pence Half-penny per Pound Weight, from the said Twenty Fifth Day of December, One thousand seven hundred and two, until the said Twenty Fourth Day of June, One thousand seven hundred and three, shall have like time for payment of such Additional Duty and Duties, as they had or ought to have for payment of the Duty laid on Tobacco, by Virtue of the above named Act of Excise or New Impost, any thing herein contained to the contrary notwithstanding.

C H A P. V.

An Act for laying an Additional Duty upon Woollen Manufactures Exported out of this Kingdom.

WE Your Majesty's most Dutiful and Loyal Subjects, the Commons in Parliament Assembled, being sensible of the great Expence Your Majesty hath been, and still continues at, for Defence of this Your Kingdom in Peace and Safety, from the contrivances of Your Majesty's and it's Enemies; In Grateful acknowledgement of Your Majesty's Royal Care, Favour and Protection, and the better to Enable Your Majesty to provide for the future Safety of Your Liege People, Do humbly beseech Your Majesty, that it may be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by the Authority of the same, That from and after the Fifth and Twentieth Day of March, which shall be in the Year of our Lord, One thousand six hundred ninety nine, the several Additional Rates and Charges hereafter mentioned, shall be Set, Laid and Imposed, and are hereby Set, Laid and Imposed, and shall be Had, Levied, Demanded, Collected, Received, Recovered and Paid, in and throughout the Realm of Ireland, upon the Commodities, Merchandizes and Manufactures hereafter particularly mentioned, that shall be Exported out of the same, after the Fifth and Twentieth Day of March, One thousand six hundred ninety nine, and before the Fifth and Twentieth Day of March, which shall be in the Year of our Lord, One thousand seven hundred and two, over and above all Rates, Tares, Payments and Duties whatsoever which are already due or payable thereout, or for the same (that is to say) for all Broad-cloth that shall be Exported out of this Kingdom, of the Manufacture of the same; for every Twenty Shillings in Value of the said Broad-cloth, the Sum of Four Shillings: And for all Serges, Wares, Kerseys, Perpetuans, Stuffs, or any other sort of New Drapery made of Wool, or mixed with Wool (Fringes only excepted) that shall be Exported out of this Kingdom, for every Twenty Shillings in Value of any the said sorts of New Drapery, the Sum of Two Shillings; All which said Duties, every Customs or Collector for the time being, shall Levy and Receive according to the true Value and Price of such Goods, which shall be Ascertained by the same Ways and Methods, as by an Act made in the Fourteenth Year of the Reign of King Charles the Second, Intituled, An Act for Settling the Subsidy of Poundage, and Granting a Subsidy of Tonnage and other Sums of Money unto His Royal Majesty, His Heirs and Successors, the same to be paid upon Merchandizes Imported and Exported, into or out of this Kingdom of Ireland, according to a Book of Rates here-

unto

unto Annexed, are appointed for, ascertained the Value of all Merchandizes, which are Taxed to pay any Duty *Ad valorem*, not particularly mentioned in the Book of Rates, to the said Act annexed.

And all the said several Duties shall likewise be Collected, Levied and Paid during the time aforesaid, by such Persons at such times, in the same Manner and Form, and under such Regulations, Penalties and Forfeitures, as the Duties payable by the before-mentioned Act are Enacted, to be Collected, Levied and Paid.

C H A P. VI.

An Act to Encourage Building of Houses, and making other Improvements on Church Lands, and to prevent Dilapidations.

FOrasmuch as the Mansion-Houses of several Arch-Bishops, Bishops, and other Ecclesiastical Persons, have been Ruined and Destroyed by the frequent Wars and Rebellions that have happened in this Kingdom, whereby Residence is become very difficult, and is like to continue so, unless due Encouragement be given them to Re-build and Repair their former Houses, and to Erect new Houses where it shall be convenient, and to keep them in good Repair after they are Built,

Be it therefore Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That every Arch-Bishop, Bishop, or other Ecclesiastical Person whatsoever, that heretofore did since the Year One thousand six hundred and ninety, or shall hereafter at any time Make, Build, Erect, Add to or Repair any House, Out-House, Garden, Orchard, or any other necessary Improvement on his Demesne, Glebe or Rensal Land, or in any other Lands in his possession, belonging to his See or Church, that shall be Certified in the manner hereafter mentioned in like Cases, to be fit and convenient for the Residence and Habitation of him and his Successors, which from thenceforth shall be deemed and taken to be part of the Demesne, Glebe or Rensal Land of such See, Dignity or Benefice, shall have and receive from his next and immediate Successor, his Executors or Administrators respectively, Two Thirds of the Sum or Sums really and truly Expended and laid out in such Buildings, Additions, Repairs and Improvements, (necessary Annual Reparations only Excepted) which Sum or Sums shall be finally Settled and Ascertained, by Certificate under the Hand and Seal of the Chief Governor or Governors for the Time being, in the Case of an Arch-Bishop, and of the Arch-Bishop of the Province, in the Case of a Bishop, and by like Certificate of a Bishop of the respective Dioceses in all other Cases, and such Successor as aforesaid, having paid the Two Thirds of the Sum or Sums certified as aforesaid, shall and may receive Due Portion thereof; that is, One Third of his first Disbursement from his next Successor; which said Sums shall be paid in all Cases of Removal or Translation, by Four equal Half Yearly payments, to be accounted from such Removal or Translation; and in Case of Death, by Two equal Half Yearly Payments, to be Accounted from the Day of such Death, and shall and may be recovered by the Party who ought to Receive the same, his Executors or Administrators, either by Distress on any of the Lands or Tenements of such Arch-Bishoprick, Bishoprick, Living or Benefice, belonging to the Successor hereby obliged to pay the same, or by the Sequestration of one Portion of the Rents and Profits of such See or Benefice, which Sequestration is to be Made and Granted by the Chief Governor or Governors of this Kingdom for the time being, in Case of an Arch-Bishop, and by the Arch-Bishop of the Province in Case of a Bishop, and by the Bishop of the Diocese in all other Cases; who are hereby respectively required to Make and Grant the same, or by Action of Debt in any of His Majesty's Courts of Record in this Kingdom, at the Election of the Party who Sues for the same. And because it may happen, that more convenient Houses, or more commodious Situations, may be found for the Residence of some Arch-Bishops, Bishops, and other Ecclesiastical Persons, then do yet belong to them.

Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for any Arch-Bishop, by and with the Approbation of the Chief Governor or Governors of this Kingdom for the time being; and for any Bishop, by and with the Approbation of the Arch-Bishop of his Province; and for any other Ecclesiastical Person, by and with the Consent of the Bishop of his Diocese, Cer-

What to be received from his Successor.

Who to be certified by.

What to be paid from the second Successor.

May purchase Houses already Built.

Two thirds
to the imme-
diate Succes-
sor, and one
half by the
next Succesor.
The Lord Bi-
shop of Lime-
rick to convey
his Dwelling
house in Li-
merick, &c.

For the Lord
Bishop of
Elphin and
Dromore.

Against Dil-
apidations, or
suffering De-
cay or Ruin.

tified in Writing under their respective Hands and Seals to Purchase to them and their Successors respectively within their respective Dioceses, Houses already Built, with conveniences thereunto belonging, or Lands and Tenements fit for such Buildings and Conveniences, for the Habitation and Residence of them and their Successors for ever, thenceforth to be part of their Demesne, Glebe or Pen-
sal Land respectively unalienable, and not to be Let or Disposed of to any other use whatsoever; and that the purchase Money for the same, and the Charges and Expence of Buildings, Additions and Repairs as aforesaid, being Ascertained and Certified as aforesaid, shall be Repaid as to Two Thirds thereof by the next immediate Succesor, who shall have and Receive from his next Succesor, One Porty or half of what he pays in like manner and with like remedy as aforesaid.

And that it shall and may be Lawful to and for Thomas Lord Bishop of Lime-
rick, to convey his Dwelling-House in Limerick, with the Appurtenances, to the use of him and his Successors, Bishops of Limerick; and that in such Case he shall be paid for his Disbursements, in Purchasing, Building, Improving and Repairing the same, being First Certified and Ascertained as aforesaid, as to Two Thirds thereof, by his next immediate Succesor, who shall likewise have One Porty, or Half of his Payment from his next Succesor in like manner, and with like remedy as aforesaid.

Provided nevertheless, and be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Lord Bishop of Elphin for the time be-
ing, to remove the Timber and other Materials from Elphin, to any other parts of the Lands belonging to that See within his Diocese, and in his possession, where he or they with the Approbation of the Arch-Bishop of the Province, Certified in Writing under his Hand and Seal shall think fit, to Build a Parson House for the Bishop of that See, pursuant to this Act; and that part of the Lands of Magherilin, Killoglan, Ballymagin and Carick Mac Gingan, lying and being in the County of Down, and Diocese of Dromore, containing about fifty five Irish Acres belonging to the said See, and now in possession of Tobias Lord Bishop there-
of, and by him purchased from the former Lessees, and the House Built thereon by him, with the Out-houses and Appurtenances, be ever hereafter added to the De-
mesnes of the said Bishoprick of Dromore, and be for ever Deemed, Reputed and Taken to be the Parson House, and part of the Pen-sal Lands of that See; and that the said Tobias Lord Bishop of Dromore, his Executors and Administrators, shall be Re-paid Two Third parts of the Charge of purchasing the said Leases, and Making and Erecting the Buildings, Plantations and Improvements there-
on, the same being First Ascertained by Certificate of the Arch-Bishop of the Pro-
vince, under his Hand and Seal as aforesaid, by his next and immediate Succesor; who shall likewise receive one Porty thereof from his next Succesor, in manner and with like Remedy as aforesaid.

And for preventing Dilapidations for the future; Be it Enacted by the Autho-
rity aforesaid, That if any Arch-Bishop, Bishop, or other Ecclesiastical Person what-
soever, shall suffer or permit his or their Parson House, or any or either of them, or any of the Buildings, Out-houses, Gardens, Orchards, or other Improvements that now are or hereafter shall be Built, Made or Erected, on their respective De-
mesnes, Glebes or Pen-sal Lands to Decay, go to Ruin, or be out of Repair; that then his next and immediate Succesor or Successors, shall and may commence his or their Suit in the Ecclesiastical Court, against such Arch-Bishop, Bishop, or other Ecclesiastical Person, his or their Executors or Administrators, and have the full Benefit of the Ecclesiastical Laws now in Force in this Kingdom in that be-
half; or at his or their Election, may Recover by Action of Debt against such Arch-
Bishop, Bishop or other Ecclesiastical Person, his or their Executors or Administra-
tors, in any of His Majesty's Courts of Record at Dublin, such Sum or Sums as shall be sufficient to put such Houses and Improvements in such good Repair as they were in at any time during the Incumbency of his or their Predecessor, so suf-
fering or permitting the same to go to Ruin and Decay; which Sum or Sums of Money so Recovered, Leyped and Paid to such Succesor or Successors, shall forth-
with be laid out, and Expended in the amendment and Reparation of the re-
spective Houses and Improvements, for the which the same shall be recovered as afoze-
said, and in default thereof by the space of Six Months after Recovery and Pay-
ment as aforesaid, the Arch-Bishoprick, Bishoprick, or other Ecclesiastical Living, or Benefice of such Ecclesiastical Person, shall be Sequestred in such manner and by such Persons as is before herein expressed, until such Ecclesiastical Person shall
Expended

Expend and Lay out all such Sums so recovered and paid as aforesaid, in the Reparation and Amendment of their respective Houses and Improvements as aforesaid: And if the Arch-Bishop, Bishop, or other Ecclesiastical Person so Recovering as aforesaid, shall happen to Dye before the Sum recovered and paid to him, be Laid out in Reparation and Amendment as aforesaid, that then his next and immediate Successor or Successors, shall and may recover from the Executors and Administrators of the Person so Dying, double the Sum so recovered and paid as aforesaid, by Action of Debt, in any of His Majesty's Courts of Record at Dublin; unless such Executors or Administrators, shall and do voluntarily and without Suit, pay the same to such Successor or Successors, who is to Expend and Lay out the same in manner aforesaid, and under the Penalties and Forfeitures as aforesaid. And if any Arch-Bishop, Bishop, or other Ecclesiastical Person, that already hath or hereafter shall suffer Dilapidations or Decay in his Manse House or Improvements contrary to this Act, shall hereafter make any Deed, Devis, Conveyance, Grant, Lease, Bequest, colourable Sale or Gift (without full consideration) of his Personal Estate, or any part thereof, with intent to Defraud his Successor of the Remedy intended him by this Act; that all such Deeds, Devises, Conveyances, Grants, Leases, Bequests, Sales and Gifts, shall be Null and Void, and of none Effect, against such Successor or Successors, any former Act, Law, Matter or Thing, to the contrary notwithstanding.

Provided nevertheless, And it is hereby further Enacted by the Authority aforesaid, That from and after the first Day of January, One thousand six hundred ninety and eight, it shall not be Lawful for any Rector, Vicar, Curate or Incumbent, or other Ecclesiastical Person whatsoever, having a Glebe sit and convenient to be Built and Improved upon, for the Habitation and Residence of him and his Successors, or wherein a Manse House is already Built or shall hereafter be Built, or which shall lie so near or contiguous to such House so Built or to be Built, as to be conveniently made use of with the same, to Alien, Set, Let or Demise such Glebe, or any part thereof, to any Person or Persons whatsoever, for any longer Term or Time then One Year from the making thereof, in Possession and not in Reversion; but that all Alienations and Leases, or Contracts, or Agreements for Leases of such Glebes, or any part thereof for more then One Year, as aforesaid, shall be Null and Void to all intents and purposes whatsoever.

No Lease of Glebe or Manse House to be above one Year.

Provided always, and be it further Enacted by the Authority aforesaid, That all and singular the Certificate and Certificates by this Act required to be made in the several Cases before-mentioned, shall be Entered at large in the publick Registry of such Diocess to which the same relate, before any Benefit or Advantage be made thereof; and that the Exemplification of such Certificate or Certificates so Registered and Entered as aforesaid, under the Hand and Seal of the Arch-Bishop or Bishop of the said Diocess, shall be as good and effectual in the Law to all the intents and purposes of this Act, to be produced at any Tryal at Law or otherwise, as the Original would have been in Case the said Original shall at any time happen to be Lost or Mis-laid, or so Detained that the Party concerned cannot have the same to produce and make use of as aforesaid.

Certificates to be entered at large in the Registry of the Diocess.

And whereas the antient Parish Church of the Parish of Kiltorke in the Barony of Leicrim, in the County of Leicrim, is Scituated in the most Uninhabited part of the said Parish, remote from any of the Protestant Inhabitants of the said Parish.

Kiltorke in the County of Leicrim.

And whereas Carrick-Drumruske in the said Parish and Barony, is an English Corporation, and wholly Inhabited by Protestants, and is therefore convenient for the Scituation of the said Parish Church.

Be it therefore further Enacted by the Authority aforesaid, That the said Parish Church shall and may be Built at the Charges of the said Parish, in the Town of Carrick-Drumruske aforesaid, in some convenient place in the said Town, to be set a-part for that purpose by Sir George St. George of Hedford, Baronet; and that the said Church so to be Built and no other, shall from the time of its being so Built, be, and be deemed to be the Parish Church of the said Parish of Kiltorke, to all intents and purposes, and the Lands to be set a-part for the said Church and Church-Pard thereof, shall belong and appertain for ever to the said Church, freed and Discharged of and from all Claims, Demands and Estates of the said Sir George St. George, and of any Person or Persons whatsoever, Claiming or Deriving from, by, or under him the said Sir George St. George, or under Sir Oliver St. George late of Hedford, Baronet, Deceased.

C H A P. VII.

An Act for Confirming the Estates and Possessions, Held and Enjoyed under the Acts of Settlement and Explanation.

Recital of the
Act 14, 15,
and 17, 18.
Car. 2d.

A Clause for
restoring the
Earl of West-
meath and Fif-
ty Three o-
thers to their
principal
Seats, &c.

VHEREAS by an Act of Parliament made in this Kingdom, in the Se-
venteenth Year of the Reign of the late King Charles the Second, In-
titled, An Act for the Explaining of some Doubts arising upon An Act, Intituled,
An Act for the better Execution of His Majesty's Gracious Declaration, for the
Settlement of His Kingdom of Ireland, and satisfaction of the several Interests of Ad-
venturers, Soldiers, and other His Subjects there. And for making some Alterations
of, and Additions unto the said Act, for the more speedy and effectual Settlement
of the said Kingdom; it is among other things Enacted in these Words following,
And be it further Enacted by the Authority aforesaid, That the fifty Four Per-
sons herein after named (that is to say) the Earl of Westmeath, the Lord Dis-
count Ikerin, the Lord Baron of Dunboyne, the Lord Baron of Tremblestown,
the Lord Baron of Upper-Osory, the Lord Bermingham Baron of Athenree, Colo-
nel Richard Butler, Sir Richard Barnwall Baronet, Sir Redmond Everard Baro-
net, Sir Dermott O Shaghnafey Knight, Master Edmond Fitz-Gerald of Ballymalo,
Master Thomas Butler of Killconnell, Master Macnamarra of Cre-
vagh, Master David Power of Kilbolane, Master Donogh O Callaghane of Clone-
meene, Master Bernard Talbott of Rathdowne, Conly Geoghegan of Donore, who
are mentioned amongst the Thirty Eight Persons in His Majesty's late Gracious
Declaration, and were restored after Repairs set out, and for whom no Provisi-
on hath yet been made: And also the Heirs of Sir Lucas Dillon Knight, the Heirs
of Sir Valentine Blake Baronet, Sir Robert Talbott Knight, Sir Richard Blake
Knight, Doctor Gerrard Fennel, Geffry Browne, John Browne of the Neale, John
Walsh, Thomas Tirrell, Edmond Dillon, Francis Coghlan of Kilcolgan in the
King's County, Robert Nugent of Gartlanstown, Sir John Burke of Derryma-
claghney, Thomas Arthur Esquire, Doctor in Physick, Gerald Fleming of Castle-
Fleming, and Bartholomew Stackpole, Esquires, who are also mentioned in the said
former Act, to be restored to their former Estates as aforesaid, and for whom no
Provision hath yet been made. And also the Lord Baron of Brittas, Master Tuite,
Son to Andrew Boy Tuite of Cullanmore, in the County of Westmeath, Esquire,
Master Walsh, Heir of David Walsh of Ballybeaghan in the Coun-
ty of Tipperary, Esquire, Sir Edmond Burke Baronet, Son to Sir Ulick Burke
of Glinske, in the County of Roscommon, Baronet, Deceased, Sir Thomas Es-
mond Baronet, Sir Lucas Dowdall Knight, Son of Lawrence Dowdall of Ath-
lunney in the County of Meath, Esquire: Master Walsh Heir of Walter Walsh of
Castleboy in the County of Kilkenny, Esquire, Edward Wall of Ballynakill in the
County of Catherlogh, Esquire, Master Butler, Son of Theobald
Butler, Son of James Butler of Berrylascan, in the County of Tipperary, Esquire,
Philip Purcell of Ballyfoyle in the County of Kilkenny, Esquire: Sir Edmond
Fitz-Gerald of Clanish in the County of Limerick, Baronet: Pierce Walsh of Ab-
byowney in the County of Limerick: John Power of Donile in the County of
Waterford, Esquire: Pierce Power of Meyneylargy in the County of Waterford,
Esquire, William Brabazon, the Heir of Anthony Brabazon of Ballynallow in the
County of Roscommon, Esquire, Daniel O Bryen of Duogh in the County of
Clare, Esquire: Lord Discount Iveagh, Sir Edward Fitz-Harris of Cloghnote-
foye, in the County of Limerick, Baronet, John Cantwell of Mokerky, in the
County of Tipperary, Esquire, and their Heirs and Assigns, shall by the Commis-
sioners for Execution of this Act, be restored unto their several and respective princi-
pal Seats (that is to say) unto their several and respective principal Messuages,
Houses or Castles (Kilmedan and the Lands thereunto belonging excepted) or in
Case they have several Messuages, Houses or Castles (Kilmedan and the Lands
thereunto belonging excepted) as they shall respectively choose, within Two Months
after the first Sitting of the Commissioners for Execution of this Act, and unto
Two Thousand Acres of Land thereunto adjoining; if they or any of them, their
or any of their Ancestors, or any other in Trust for them, or any of them, or to
their or any of their use, were Seized or Possessed of so much upon the Two and
Twentieth of October, One thousand six hundred forty and one, and were there-
unto Lawfully and Rightfully Intituled: And in case they or any of them, their

or any of their Ancestors, or any other in Trust for them or any of them, or to their use, were not Seized or Possessed upon the Two and Twentieth of October, One thousand six hundred forty one, of Two Thousand Acres as aforesaid, then unto so much thereof as they were Seized or Possessed of as aforesaid, and which lies contiguous to their respective principal Seats. And if any of the Four and Fifty Persons herein before Named, shall be found to be in Possession of any Messuage and Lands thereunto adjoining; which to them or any of them did rightfully belong, upon the said Two and Twentieth Day of October, One thousand six hundred forty one, and the Lands so Possessed shall be found to exceed the quantity of Two Thousand Acres; it shall and may be Lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of Ireland, and Council there for the time being; to cause so much thereof as shall exceed the quantity of Two Thousand Acres, to be Retrenched and Cut off in such way and manner as they shall think fit; and the Land so Retrenched, shall Remain and be Vested in His Majesty, to the end that the same may be further Disposed to the uses of this Act. And for the better Support of such of the Four and Fifty Persons herein before Named, who shall not have Two Thousand Acres near adjoining and lying contiguous unto his and their respective Seats, to which they are to be restored; or having Two Thousand Acres, shall not be thought to be thereby sufficiently provided for.

It is further Declared and Enacted, That it shall and may be Lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of Ireland, and Council there for the time being, upon due consideration had of the several and respective Cases and Merits of the Persons aforesaid, to direct and appoint the Commissioners for Execution of this Act, to Set out and Allot, or cause to be Set out and Allotted unto any of the Persons aforesaid, or their Heirs, so much of the Forfeited Lands which shall remain Undisposed, after the several Protestant Interests herein before provided for, shall be satisfied as the said Lord Lieutenant or other Chief Governor or Governors and Council shall think fit.

The Lord Lieutenant or other Chief Governor, &c. to Set out the undisposed Forfeited Lands.

And whereas Nicholas late Lord Viscount Netterville of Lowth, Edmund late Lord Viscount of Mount-garrett, Sir Luke Bath, and several other Persons, their or any of their Heirs or Assigns, are and may be Restorable after previous Reprials by force or colour of some Clauses in the said Acts, or one of them.

And whereas by one other Clause in the said Act of Explanation; it is likewise Enacted in the Words following,

And because several Persons have been Decreed Innocent, but nevertheless have not been Restored to the Lands which they claimed before the Commissioners for Execution of the said former Act, but have been left to the course of Law, for the Recovery of their Possessions by Trying their Titles, Grounded upon the Validity of those Evidences by which they pretended to Claim.

Be it therefore Enacted by the Authority aforesaid, That all and every Person and Persons who were Defendant or Defendants in the Suit or Claim, upon which such Decree was made as aforesaid, and those Claiming, by, from or under them, shall within Three Months next after the Sitting of the Commissioners for Execution of this Act, Declare and Make his and their Election by Writing under his and their Hands and Seals, or under the Hands and Seals of his and their Attorneys or Agents thereunto lawfully Authorized, whether they will immediately deliver up and relinquish the Possession of the Lands in Controversie unto the King's Majesty, and resort to their proportionable satisfaction out of other Forfeited Lands; which if they do Elect, they are to be admitted accordingly, and shall be satisfied his and their full Two Third parts, and so much more as may be equivalent to his and their Buildings and Improvements, and then shall part with the said Lands; or whether they will rather abide the Trial at Law, which if they do Elect, and the Irish Claimants should fail to Prosecute their Title, or a Verdict or Judgment shall be given against such Irish Claimant, or the Person or Persons who shall derive under such Irish Claimants; then shall such Adventurer or Soldier, or other Person or Persons, his or their Heirs, Executors or Assigns, who shall be concerned in that Suit, for ever and finally Hold the said Lands in Question, and every part thereof to him and his Heirs: But in Case Verdict or Judgment be given for the Title of the Irish Claimant, or no such Election be made as aforesaid; the Adventurer or Soldier, or other Person, his or their Heirs, Executors or Assigns, shall be Excluded from demanding or having his Two Third parts, or any other satisfaction which otherwise he might have had, in respect of such Lands so recovered as aforesaid.

Claimants to make their Claim in three Months next after the sitting of the Commissioners, &c.

No Claim to
be exhibited
but what was
in the Old
Act.

Any secret
agreement to
Forfeit double
the value
of the Land.

The Estates
of Conaught
foreclosed.

Nevertheless it is hereby Declared, That no other Title shall be admitted to be alledged or given in Evidence by such Irish Claimants, or any Claiming under them, but such Title as was alledged in the Claim Exhibited before the Commissioners for the Execution of the said former Act.

Provided, That if any secret Agreement be made between the Irish Claimant and the Party concerned as aforesaid, directly or indirectly, and the Persons so agreeing shall obtain any satisfaction for or in respect of the Land so agreed for; that then and in such Case, the Party so Offending shall forfeit double the value of the Lands so obtained; a Poyety to the King's Majesty, the other Poyety to the Informer, to be recovered in like manner as other Forfeitures are herein appointed to be recovered; by both which Clauses there being no time limited in them either for the setting out the said Reprials, or for bringing the Title of such Irish Claimant to a Tryal: The Estates of such Adventurers, Soldiers, Forty Nine Officers, and Protestant Purchasers in Conaught and Clare, and all Persons Claiming, by, from or under them which were principally intended to be secured by the said Act, who have any Houses, Lands, Tenements or Hereditaments, formerly the Estate of a Prominee, or of any Innocent left to Law, have hitherto been and still are subject to be disquieted and drawn in question by the Persons aforesaid; which pretences being a great discouragement to Improvements, and very prejudicial to the Estates and Possessions of the several Protestants who have passed Patents of any Houses, Lands, Tenements or Hereditaments, subject thereunto, ought in all reason and justice after so long a Tract of time as is elapsed since the passing the said Act; to be foreclosed and Barred, and the several Adventurers and Soldiers, and other person or persons, their respective Heirs and Assigns, who have any Houses, Lands, Tenements or Hereditaments, for which any of the said Prominees, or the said other Persons restorable after previous Reprials, might have procured Reprials to be set up, or for which any Innocent left to Law might have brought his Action as aforesaid; be for the future Established in the quiet and peaceable Possession of their several Houses, Lands, Tenements and Hereditaments, which have been passed unto them or any of them, by Patent and Certificate, pursuant to the said Act of Explanation; Freed and for ever Discharged of and from all Actions and Suits, to be at any time hereafter brought by any Person who in his Decree of Innocency, was left to Law for the Recovery of such Houses, Lands, Tenements and Hereditaments; and also from all Claim, Right or Title that any Prominee, or other the Persons so Restorable as aforesaid, after previous Reprials; can have or pretend to have by Virtue of the said Act, to any Houses, Lands, Tenements or Hereditaments, on his giving or offering to give the Patentee, his Heirs or Assigns, any other Houses, Lands, Tenements or Hereditaments, in Reprial for the same; whereby the said Patentees, their Heirs and Assigns, and all and several their Houses, Lands, Tenements and Hereditaments, Granted to them in pursuance of the said Act, ought for the future to be free from all such demands of the said Prominees, or other the Persons so restorable as aforesaid, after previous Reprials, and their Heirs and Assigns; and from all Suits to be brought by Innocents left to Law, and their Heirs, as if no such Clause or Clauses had ever been Inserted for them, or either of them in the said Explanatory Act; by both which Clauses, the Lands, Tenements and Hereditaments, Granted by Certificate and Patent pursuant to the said Act, are Discharged from all Rights, Titles and Interests, which were not Decreed by the Commissioners for Executing the Act, Intituled, An Act for the better Execution of His Majesty's Gracious Declaration, for the Settlement of this Kingdom of Ireland, and satisfaction of the several Interests of Adventurers, Soldiers, and other His Subjects there: And which were not particularly mentioned and referred in the Letters Patents, or were not the proper Act of the Party to whom such Letters Patents were Granted; or those under whom he derived, yet to the great prejudice and disturbance of the said Patentees, their Heirs and Assigns, several Persons not Decreed Innocent, or if they have been Decreed Innocent, not having Claimed any Incumbance or Debt on the Land so Granted in Patent, nor having any saving for the same in any Letters Patents Granted thereof, nor having obtained any Judgment or Decree in the late Court, or pretended Court for Adjudication of Claims, or in the Court of Exchequer, or any the four Courts Sitting at Dublin, before the Twenty Second Day of August, One thousand six hundred and sixty three; have and do set up several Ancient Incumbrances, as well by Judgment, Statute Staples, Recognizances, and otherwise, not being the Debts or Incumbrances

brances of the Party to whom such Letters Patents are granted and commence, and carry on several Suits both in Law and Equity, or any other Person whatsoever other then the Patentee, His Heirs or Assigns, on the said Lands, Tenements and Hereditaments, in the Possession of the said Patentees, their Heirs or Assigns; by which unjust Suits and Actions, the Patentees, their Heirs and Assigns, are put to very great Trouble and Charge. For the Remedy of all which, and for the The Penalty. Establishing and Confirming the said Patentees, their Heirs and Assigns for ever, in the quiet Possession of the several Houses, Lands, Tenements and Hereditaments, so Granted them by Letters Patents, pursuant to the said Act, against all pretences of Reprisals to be made by them the said Nominees, or any of them or their respective Heirs; and against all future Suits or Actions to be brought by any Person or Persons, or their Heirs, who was or were Innocent and left to Law as aforesaid; And against all Suits or Actions in Law or Equity, Grounded on any such Ancient Dormient Incumbrance, to which the Party Claiming the same, or those under whom he Claimed were not Decreed, or for which there is no saving in the Letters Patents of the Party whose Lands are pretended to be liable to the same, and against all other Titles and Pretences whatsoever; whereby the Right and Possession of the said Patentees, their Heirs or Assigns to the said Lands, Tenements and Hereditaments, so Granted in Letters Patents, pursuant to the said Act of Explanation, may any way be called in Question.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same; That from and after the Twenty ninth Day of October, in the Year One thousand six hundred ninety eight, no Person or Persons whatsoever Having, Holding or Enjoying any Houses, Lands, Tenements or Hereditaments, by Virtue of any Certificates and Letters Patents, pursuant to the said Acts of Settlement and Explanation, or either of them, shall be liable to be removed from thence, or be obliged to relinquish his or their Interest, Estate or Possession therein, on any Reprisals given or offered to be given, by any Person or Persons Intituled or pretended to be Intituled to the same, as a Nominee, Letterree, Ensign-man, Provifo-man, or by any other way or means whatsoever, by Virtue of the said Acts of Settlement and Explanation, or either of them; but that every such Patentee, his Heirs and Assigns, shall and may for ever Have, Hold and Enjoy the said Lands, Tenements and Hereditaments, according to the Estate Granted to him or them, freed and Discharged from the several Clauses and Provisoes in the said Acts, or either of them, whereby he was made liable to accept of Reprisals for the same; and shall Have, Hold and Enjoy the said Lands, Tenements and Hereditaments for the future, Confirmed unto him, his Heirs and Assigns, according to the Estate limited in the said Letters Patents, against all and Every Person and Persons Claiming the same as a Nominee, Letterree, Ensign-man, Provifo-man, or by any other ways or means as aforesaid, to all intents and purposes as any other Patentee, by Virtue of the said Act, does or ought to Enjoy the Lands, Tenements or Hereditaments, Granted unto him. And also, That no Person or Persons Decreed Innocent, and by his Decree left to Law, who hath not hitherto brought any Action for, and Actually recovered the Houses, Lands, Tenements and Hereditaments, for which he was so left to Law; shall at any time after the passing this Act, be admitted to bring any Action or Suit whatsoever for the recovery thereof; but shall be debarred from so doing, and his pretended Right be for ever Determined, Annulled and Extinguished.

And be it further Enacted by the Authority aforesaid, For the effectual Quieting and Establishing the Estates and Possessions of all and every Person and Persons Claiming the same, by or under any Letters Patents passed pursuant to, or by Virtue of the said Acts, or either of them; and for Preventing their being Sued or Impleaded, on Pretence of any such Ancient Incumbrances, be they Judgments, Recognizances, Statutes, Merchant or of the Stable, Acknowledged or Entred into, on or before the Twenty Third Day of October, in the Year of our Lord, One thousand six hundred and forty one; which said Incumbrances are not Decreed to the Party Claiming the same, nor to those Persons he Claims under, by the said Commissioners for Executing the Act of Settlement, nor saved in the Letters Patents, Granted of the Lands, Tenements and Hereditaments, pretended to be liable thereunto, that are not now depending, or if depending, have not been Prosecuted since the third Day of October, One thousand six hundred and ninety

None to be removed, or reprisals given.

No Action to
lie for any
ancient In-
cumbance.

Nothing to
extend to
prejudice any
debt, right,
title, &c. ob-
tained by any
Protestant be-
fore the 22d.
of August,
1663.

Letters Pa-
tents before
the 29th of
October, 1698,
Confirmed.

All Reliefs
due to His
Majesty, &c.
discharged.

one, that from and after the Twenty Fifth Day of October, One thousand six hundred ninety eight; no Action shall lie, nor Suit be Admitted or Prosecuted, or any such Ancient Incumbance for the Charging any Lands, Tenements or Hereditaments so Granted in Patent as aforesaid, in any Court either in Law or Equity; but that the Lands so Granted in Patent, shall be Discharged thereof; and that no Process, Scire facias, or Execution whatsoever, shall ever Issue at any time hereafter on any such Ancient Incumbance or Incumbrances; but that the same, as to the Patentee, his Heirs and Assigns, and the Lands, Tenements and Hereditaments, so Granted in Patent to him, shall be Taken and Judged to be Null and Void, to all intents and purposes whatsoever.

Provided always, That nothing herein contained, shall Extend or be construed to Extend in any wise, to prejudice any Debt, Right, Title, Interest or Estate, of, in, out of, or unto any Lands, Tenements and Hereditaments, contained or mentioned in any Judgment or Decree obtained by any Protestant or Protestants in the late Court, or pretended Court for Adjudication of Claims, or in the Court of Exchequer, or any of the four Courts sitting at Dublin, before the Two and Twentieth Day of August, One thousand six hundred sixty three; nor to any Chief or other Incumbance, whereof or whereon any Interest, Sum of Money, or other consideration hath been Received, since the passing the Letters Patents of such Forfeited Lands, Tenements and Hereditaments, Claimed to be liable thereunto.

And be it further Enacted by the Authority aforesaid, That all and every Letters Patents, at any time passed to any Deficient, Adventurer or Soldier, Reprizable by the said Acts, or either of them, his or their Heirs or Assigns; or to any Person or Persons in Trust for such Deficient Soldier or Adventurer respectively, his Heirs or Assigns, of any Lands, Tenements and Hereditaments, which have been or were at any time before the passing such Letters Patents, Seized, Sequestered, Set out, or Set apart, on account of the said Rebellion, which began and broke forth in this Kingdom, on the Twenty Third of October, One thousand six hundred and forty one; or otherwise Vested in the late King Charles the First and Charles the Second, or either of them, by Virtue of the said Acts or either of them, for, as, or toward a Ransome to such Deficient Soldier or Adventurer, such Letters Patents, and all and singular the Lands, Tenements and Hereditaments, so passed in Patent, as a Ransome as aforesaid, on the Twenty Fifth Day of October, One thousand six hundred ninety eight, in the Actual Possession of such Patentee or Patentees respectively, his or their Heirs, or in Trust, to, and to the use of them or any of them, or the Heirs or Assigns of any of them; or in the Possession of any deriving by, from or under him, them or any of them; shall be, and by Virtue of this Act are Enacted to be, and are Confirmed as to such Lands so passed in Ransome to such Person and Persons respectively, his and their respective Heirs, Executors and Administrators, Lessee and Lessees, according to the Tenor of the said several Letters Patents: And the respective Estates, Titles, Terms and Interests, of any person or persons Claiming or Deriving any thing, of, into, or out of the said Lands, Tenements and Hereditaments, in such several Letters Patents, contained by Virtue of such Letters Patents, in as full, ample and beneficial manner, to all intents and purposes whatsoever; as if such Letters Patents had been passed on Certificates, pursuant to and by Virtue of the said Acts, or either of them, and freed and Discharged from all such Incumbrances; and in such manner as the Lands, Estates and Interests of Adventurers and Soldiers, who have passed Patent on Certificates; are by this Act, and for the future Quieting and Settling the Estates and Possessions of the Adventurers, Soldiers, Forty Nine Officers, and all other Protestants whose Estates are Confirmed to them by the said former Acts of Settlement and Explanation, or by this present Act.

And whereas His Majesty is Graciously pleased to Remit and Discharge His Loyal Subjects, of and from all Reliefs, as well Arrears now Due and Incurred, as also all growing and future payments thereof.

Be it Enacted by the Authority aforesaid, That all Reliefs already due to His Majesty, or any of His Predecessors; or which hereafter may be Claimed as due to His Majesty, His Heirs or Successors, shall be, and are for ever Remitted, Forgiven and Discharged; and that all the several Lands, Tenements and Hereditaments in this Kingdom, out of which any Relief or Reliefs, or Sum or Sums of Money, as Reliefs have been, are, or hereafter may be Claimed or Demanded as due to His Majesty, His Heirs or Successors, shall be, and by this Act are for ever

ever Discharged of the same; and that no person or persons whatsoever, shall or may be Sued, Proccesed, or otherwise Impleaded in any Court or Courts whatsoever, for any such Relief or Reliefs, or any Sum or Sums of Money due as Reliefs to His Majesty, His Heirs or Successors, or for any Arrears of the same.

Provided always, That this Act or any thing therein contained, shall not Ex-
tend to prejudice the Right, Title, Interest, Claim and Demand in Law or Equi-
ty of John Vernon Merchant, Son, Heir and Administrator of John Vernon Es-
quire, Deceased; to the Mannor, Castle, Towns and Lands of Clantaffe, and Holy-
Brookes, with the Mannors and Appurtenances thereto belonging, lying and being in
the County of Dublin, and County of the City of Dublin, any thing in this
present Act contained to the contrary in any wise notwithstanding.

Proviso for
John Vernon.

Saving and Reserving to His Majesty, His Heirs and Successors, all such Estate,
Right, Title and Interest, to all or any the Houses, Lands, Tenements and He-
reditaments whatsoever, which have been passed in Certificate and Patent, by Randle
late Lord Marquess of Antrim, His Heirs or Assigns, or any Person deriving by,
from, or under him or them, or any of them, in the same manner as if this Act had
never been made.

Saving for His
Majesty from
the late Mar-
quess of An-
trim.

Saving also unto His Majesty, His Heirs and Successors, all such Estate, Right,
Title and Interest, either in Law or Equity, which His Majesty had before passing
this Act to the Lands of Irish-Town, in the Barony of Rathconra, and County of
West-Meath.

Saving to the
Lands of Irish-
Town, in the
County of
West-Meath.

Provided always, That this Act or any thing therein contained, shall not Extend
or be construed to Extend, to Confirm to Richard Coote Esquire, or to the Heirs
or Assigns of his Father, Charles late Earl of Montrath, his or their Estate or
Possession of any Mannors, Lands, Tenements or Hereditaments, which were the
Estate of Jenico late Lord Viscount Gormanstown, or of Nicholas late Lord Vis-
count Gormanstown, his Father, or to debat, hinder, deprive or prejudice any Per-
son or Persons, deriving by, from, or under the said late Lords Viscounts or any of
them, from having and recovering all or any of the Mannors, Lands, Tenements
or Hereditaments, that were Held, Possessed or Enjoyed by the said late Lord Vis-
count Gormanstown, in his Life time; or to Have or Recover any Rent-Charge or
Incumbrance issuing thereout or Charged thereupon, in such Manner and Form
as they might have done, if this Act had never been made, any thing in this Act
contained to the contrary notwithstanding.

Richard Coote
not to be con-
firmed to the
Lands of the
late Lord
Gormanstown.

CHAP. VIII.

An Act for the preservation of the Game, and the more easie Conviction of such
shall Destroy the same.

WHEREAS divers Good and Necessary Laws have been heretofore made, for
the better preservation of the Game, and of the fish in the Rivers of this
Kingdom: Notwithstanding which Laws, or for want of the due Execution there-
of, the Game of this Kingdom, and fish in such Rivers, have been very much De-
stroyed by many Idle Persons, who afterwards betake themselves to Robberies,
Burglaries or other like Offences, and neglect their lawful Employments. For
Remedy whereof, and for the more effectual preservation of the said Game and fish.

Be it Enacted by the King's most Excellent Majesty, by and with the Advice
and Consent of the Lords Spiritual and Temporal, and Commons in this present
Parliament Assembled, and by the Authority of the same; That all and every
Law and Statute now in force for the better preservation of the Game, and of
the fish in the several Rivers, Loughs and Ponds of this Kingdom, and every Arti-
cle and thing in them contained, and not herein and hereby Altered or Repealed,
shall be duly put in Execution according to the Tenor of the said Laws, and un-
der the penalties therein contained, to be Railed, Levied and Disposed, of, as in
and by the said Laws is directed.

All Laws and
Statutes con-
cerning the
Game and
fish, to be put
in Execution.

And be it further Enacted by the Authority aforesaid, that from and after the
Twentieth Day of October, One thousand six hundred ninety eight, no Person or
Persons whatsoever, not having an Estate of Free-hold in his own or his Wives
Right, of the yearly Value of Forty Pounds at the least, or a Personal Estate of
the Value of One thousand Pounds at least, over and above all Debts by him
owing, either for himself or as Servant to any other, unless he be such Servant
as hath no other way of Livelihood for his Wages from such Person, have or keep

No one not
having a Free-
hold or the
value of 40
Pounds per
Annum or
worth 1000
pound to

keep Hounds
Grey-hounds
or Spanies.

any Hound, Beagle, Grey-hound or Land-spaniel, within this Kingdom, other then and except Whelps under the Age of Twelve Months, which shall be kept at Purse for Persons Qualified within this Act, for the having the same; on pain that such Hound, Beagle, Grey-hound or Spaniel so kept contrary hereunto, shall or may be Seized and Taken away by any Justice of the Peace of the respective Counties, where the same shall be so kept, or by any person or persons Authorized thereunto, by Warrant under the Hand and Seal of such Justice of the Peace, or by any person having a Free-hold of the Yearly Value of Forty Pounds or upwards within such County; which Justice of the Peace and Free-holder respectively Seizing such Hound, Beagle, Grey-hound or Spaniel, may detain the same to his and their own Uses, or otherwise dispose of the same as they shall think fit: And all and every person or persons so keeping such Hound, Beagle, Grey-hound or Spaniel contrary hereunto, and being thereof Convicted before some Justice of the Peace of the County where such Offence shall be committed, on the Oath of One or more credible Witnesses or Witnesses, which Oath such Justice of the Peace is hereby Authorized to Administer, shall for every such Offence, Forfeit and Lose the Sum of Five Pounds, to be Levied by Warrant of such Justice of the Peace before whom such Offender shall be Convicted, by Distress and Sale of the Goods of such Offender, returning the Over-plus (if any be) to the Party Distressed on, the One Moiety thereof to the Informer who shall Prosecute for the same, the other Moiety to be Issued for the Use of the Poor of the Parish where such Offence shall be committed.

No Free holder to shelter any that doth, &c.

And it is hereby further Enacted, That no Free-holder or other Person Qualified within the meaning of this Act, to have or keep any such Hound, Beagle, Grey-hound or Spaniel, shall shelter, conceal or cover any such Hound, Beagle, Grey-hound or Spaniel, for any person or persons not Qualified to have or keep the same as aforesaid, on pain that such Free-holder or other Person Offending contrary hereunto, shall for every such Offence Forfeit and Lose the Sum of Forty Pounds, to be Recovered by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record in Dublin, in which no Essoyn, Protection or Waiver of Law shall be allowed, or more than one Imparllance; the one Moiety of such Forfeiture to be to the King's Majesty, His Heirs and Successors, the other Moiety thereof to him or them that will Sue for the same.

And whereas divers Papists not Qualified by the Laws and Statutes of this Realm, to have and keep Guns or other Fire-Arms, do notwithstanding Use and Keep the same, under pretence of being Servants to some Protestant or Protestants, in the Nature of his or their Fowler or the like. For Remedy thereof for the future,

No Papist to carry Fowling-Pieces or Fire-Arms.

Be it Enacted, That from and after the Twentieth Day of October, One thousand six hundred ninety eight, no Papist or Papists, or reputed Papist or Papists, shall be Employed as Fowler for any Protestant or Protestants, or under colour or pretence thereof, shall have, keep, carry or use any such Gun or Fire-Arms; and if any such Gun or other Fire-Arms, shall from and after the Twentieth Day of October, One thousand six hundred ninety eight, be found in the possession or Keeping of any such Papist or Papists, or reputed Papist or Papists, not Qualified to have or keep the same by the Laws now in Force in this Realm, the same shall or may be Seized and Taken by Warrant of any Justice of the Peace of the County where the same shall be found, which Warrant such Justice of the Peace on Information to him given, is hereby required to Grant, and such Gun or other Fire-Arms as shall be so Seized by Virtue thereof, shall immediately after such Seizure, belong unto, or become the property of the person or persons giving Information touching the same; notwithstanding that such Gun or other Fire-Arms, at the time when the same were so Seized and Taken in the possession of such Papist or Papists, or reputed Papist or Papists, did really belong unto, or was the property of some Protestant or Protestants, or other person Qualified to keep Fire-Arms.

Protestant Fire Arms Seized in the Hand of a Papist forfeited. No Deer to be shot except on the persons own Ground.

And be it further Enacted by the Authority aforesaid, That from and after the Twentieth Day of November, One thousand six hundred ninety eight, no person or persons whatsoever, shall Shoot any Deer at any Season of the Year, except on his own Ground only, or on the Ground of such person or persons to whom the person Shooting such Deer being a Protestant, shall be a Venial Family Servant at the time of Shooting the same, and that by Warrant only under the Hand of such his Master, and no otherwise, on pain that every person so Offending contrary hereunto, being thereof Convicted before one or more Justice or Justices of the Peace of the

the County where such Offence shall be committed, on Oath of one or more credible Witnesses, which Oath, such Justice or Justices are hereby Authorized to Administer, shall for every such Offence Forfeit and Lose the Sum of Five pounds, the one Moiety thereof to be to the Use of the Poor of the Parish where such Offence shall be committed, the other Moiety thereof to him or them who shall give Information, and make proof of such Offence before such Justice or Justices of the Peace, the same to be Levied on the Goods and Chattles of the Offender, by Warrant under the Hand and Seal of such Justice or Justices, who are hereby required to Grant such Warrant, and to pay or Order payment of the Money Levied thereby accordingly.

And be it further Enacted by the Authority aforesaid, That no person or persons whatsoever, shall in any Year after the Twentieth Day of October, One thousand six hundred ninety eight, Hunt, Course or Kill any Male Deer, before the Tenth Day of June, in such Year, unless it be in the Park or proper Ground of the person Hunting, Coursing or Killing the same; nor shall Course, Hunt or Kill any Male Fellow Deer after Michaelmas, in any Year, unless in the proper Ground of the person Hunting, Coursing or Killing the same, on pain that all and every person and persons Offending contrary hereunto, shall for every such Offence Forfeit and Lose the Sum of Five pounds; such Offence to be Heard, Examined and Determined by, and before such Justices of the Peace as aforesaid; And the Forfeiture of the same, Levied, Debited and Paid to such person or persons, and in such manner as is herein before appointed for the other Offence of Shooting Deer contrary to this Act.

None to Hunt or kill any Deer, &c.

And for the preservation of Hares, Grouse and other Game, being in Mountains, Hills, Moors, Bogs or Heaths in this Kingdom.

Be it Enacted by the Authority aforesaid, That no person or persons shall after the Twentieth Day of October, One thousand six hundred ninety eight, Burn on any Mountain, Hill, Moor, Bog, Heath or waste Ground, any Grig, Ling, Firs, Heath, Gols or Fearn, at any other Season of the Year, save only between the Fourteenth Day of June, and the Second Day of February in every Year, on pain that every person and persons Offending contrary hereunto, shall for every such Offence Forfeit and Lose the Sum of Five pounds; such Offence to be likewise Heard, Examined and Determined, by and before such Justices of the Peace as aforesaid, and the Forfeiture for the same, Levied, Distributed, Divided and paid to such person and persons, and in such manner as is herein before appointed for the said other Offence of Shooting Deer, contrary to this Act.

None to Burn any Firs, Heath, Ling, &c. on any Hills, Bogs, &c. between the 14th of June, and 2d of February.

And it is hereby further Enacted, That no person or persons shall Trace any Hares or other Game whatsoever in the Snow, nor shall destroy the Eggs or Nest of any Partridge, Pheasant, Grouse, Quail, Duck or other Wild Fowl: Nor shall any person or persons not having such Free-hold Estate of Forty pounds per Annum, or Personal Estate to the Value of One thousand pounds as aforesaid, Shoot at, Kill, Take or Destroy any Hare or Hares, Partridge, Pheasant, Grouse or Quail; or any Person whatsoever, Shoot at, Take, Kill or Destroy any House-dove or Pidgeon, other than such as shall be in, or belonging unto the Dove-house or Pidgeon-house of the person or persons so Shooting at, Killing or Destroying the same, on pain that every person Offending contrary hereunto in any of the particulars aforesaid, shall for every such Offence being thereof Convicted before One or more Justice or Justices of the Peace of the County where the same shall be Committed, or the Offender Apprehended, Forfeit and Lose the Sum of Ten Shillings, the One Moiety thereof to the Use of the Poor of the Parish where such Offence shall be committed, to be paid to the Church-Wardens of such Parish for such Use; the other Moiety to him or them who shall Inform and Prosecute for the same as aforesaid; or otherwise shall be publicly Whipt at the discretion of the Justice or Justices of the Peace before whom he or they shall be Convicted.

None to Trace any Hares or other Game in the Snow, &c. nor destroy the Eggs or Nest of any Partridge, &c. None to Shoot at, Kill, &c. any Hare, &c. nor worth 40l per Annum, or 1000l.

Provided always, That nothing herein contained shall Extend, or be Construed to Extend, to restrain or hinder any Tenant or Tenants to any person or persons not Restrained by this Act, from having and keeping any Hound, Beagle, Spaniel or Grey-hound, for the use of such their Land-lord, so as such Tenant shall not Hunt, Course, or otherwise make use of such Hound, Beagle or Grey-hound, but in the Company and Attendance of his Land-lord only.

A Tenant may keep Hounds, &c. for his Land-lord.

And it is further Enacted by the Authority aforesaid, That no person or persons after the Twentieth Day of October, One thousand six hundred ninety eight, not having an Estate of Free-hold of the Yearly Value of One Hundred pounds or

None to keep or breed a setting-dog under One upwards

hundred
pounds per
Annum, or
1000 l. &c.

upwards, or a Personal Estate of the Value of One Thousand pounds, shall have or keep any Setting-Dog or Bitch, other then such person or persons as shall be Allowed and Licensed thereunto, by the Justices of Peace of the County where he shall Live, at the General Quarter-Sessions of the Peace to be held for such County, next after Christmas in every Year, in Order to the Mating and Training up Setting-Dogs or Bitches, and that under such Regulations only, and no otherwise, as shall be allowed and specified in such License; and such Person or Persons so to be Licensed, shall also, and are hereby required every Two Years during the continuance of such their License, to Train up, Teach and Make some one or more Bound or Bounds, to Hunt on dry Foot; and in default thereof, that such License so obtained, shall be, and become of no Force and Effect, and shall be reputed and deemed so to have been from the Granting the same; and the person or persons to whom the same was Granted, shall be liable to the same Penalties, as if he or they had Acted without such License.

No Servant
Intrusted to
Fowl shall
sell the Game,
but bring it
to his Master.

And be it further Enacted by the Authority aforesaid, That no person or persons keeping or using a Gun to Fowl with, as Servant to any person not Retained by this Act from keeping the same, shall Sell or Dispose of any Fowl or Game he or they shall kill to any person whatsoever, but shall bring all such Fowl or Game to his or their Master's House, for the use of his or their said Master, on pain that every person Offending contrary hereunto, shall for every such Offence forfeit Twenty Shillings; the said Offence to be Heard, Examined and Determined, by and before such persons, and the Forfeiture Levied and Distributed, and Divided in such manner as is herein before Appointed for the Offence of Shooting Deer, contrary to this Act.

No Non-
Commissioned
Officer or
Soldier suf-
fered to
Shoot the
Game.

And it is hereby further Enacted, That no Non-commissioned Officer or private Soldier, belonging to any Regiment, Troop or Company, which is or shall be within this Kingdom, shall from and after the Twentieth Day of October, One thousand six hundred ninety eight, be permitted to go out of his Garrison or other Quarters, with any Gun or other Fire-Arms, unless the same be on a Party or a Commanded Party, by Command of the Officer in Chief then present, and Commanding in such respective Garrison or Quarters, on pain that such Non-commissioned Officer and private Soldier being thereof Convicted before some One or more Justice or Justices of the Peace for the County where such Offence shall be committed, shall for every such Offence forfeit and Lose the Sum of five Shillings, to be paid to such person or persons as shall give Information of and make out such Offence before such Justices of the Peace; and to be Levied on the Warrant of such Justice of the Peace, by Distress and Sale of Goods of the person Offending, rendering the Over-plus to the party Distressed on: And in Case no sufficient Distress shall be found, the person or persons so Offending, shall by Warrant of such Justice of the Peace be sent to the Common Goal for such County, there to be kept in close Custody without Bail or Mainprize for Ten Days.

And for the better putting this Act in Execution, the Officer in Chief in such Garrison or Quarters to which such Offender shall then belong, shall on Demand tender the Body of the Offender into the Hand of the Justice of Peace or other Civil Magistrate to be dealt with according to Law: And in Case such Officer shall neglect or refuse to deliver up such Offender; such Officer being thereof Convicted before One or more Justice or Justices of the Peace of the County where such Garrison or Quarters shall be, shall for such Offence forfeit and Lose the Sum of five pounds, to be Levied on the Warrant of such Justice or Justices, by Distress and Sale of the Goods of such Officer, rendering the Over-plus (if any be) one Poverty whereof shall be to the Use of the Poor of the Parish where such Offence shall be committed, the other Poverty to him and them that shall Inform of, and make out such Offence before such Justice or Justices.

No Commis-
sioned Offi-
cer, or any
employed un-
der him shall
Shoot the
Game.

And it is hereby further Enacted, That no Commissioned Officer of any Regiment, Troop or Company within this Kingdom, or any person Employed by or under him, shall Shoot or Course with Grey-hounds any Deer, Hare or other Game whatsoever, except on his own Ground, or otherwise by the free permission and leave first had and obtained of the Owner of the Ground or Soil, where he or they shall so Hunt or Course, on pain of Forfeiture by such Commissioned Officer of the Sum of five pounds for every such Offence; which Offences shall also be Heard and Determined before One or more Justice or Justices of the Peace for the County where the same shall be committed; and the said Forfeiture to be Levied, Distributed and Divided, in the same manner as the said Forfeiture for Shooting of Deer,

contrary to this Act is herein before appointed to be Levied, Distributed and Divided.

And for the more easie Discovery and Conviction of such Offenders, as by this or any other Laws of Force in this Kingdom, are prohibited to Kill or Destroy the Game.

Be it Enacted by the Authority aforesaid, That every Constable, Head-Worship and Tything-man, or other person whatsoever, being thereunto Authorized, by Warrant of one or more Justice or Justices of the Peace, under his or their Hands and Seals, shall have full Power and Authority, and is hereby required to Enter into and Search (in such manner and with such power as in case where Goods are Stolen, or suspected to be Stolen) the House or Houses, Out-houses, or other places belonging to such Houses of suspected persons not Qualified as aforesaid: And in case any Venison, Hare, Partridge, Pheasant, Pidgeon, Fish, Fowl or other Game, shall upon such Search or otherwise be found, the Offender shall be carried before some Justice of the Peace of the same County; and if such person do not give a good Account how he came by such Venison, Hare, Partridge, Pheasant, Pidgeon, Fish, Fowl or other Game, as shall satisfy the said Justice, that the same was not Taken, Killed or Taken contrary to this Act, or else shall not in some convenient time to be set by the said Justice, not exceeding Six Days, produce the party of whom he Bought the same, or some other credible person to Depose upon Oath such Sale thereof, that then such person not giving such good Account, nor producing such Witness as aforesaid, shall be Convicted by the said Justice or Justices, of such Offence, and upon such Conviction, shall forfeit for every Hare, Partridge, Pheasant, Pidgeon, Fish, Fowl, or other Game or Venison, any Sum not under five, and not exceeding the Sum of Twenty Shillings, to be ascertained by the said Justice; One Moiety thereof to be paid to the Informer, and the other Moiety to the use of the Parish where such Offender shall Live, the said Forfeiture to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal of the Justice before whom the Offender shall be Convicted, rendering the Over-plus (if any be) and for want of Distress, the Offender and Offenders shall be committed to the House of Correction, for any time not exceeding One Month, and not less then Ten Days, there to be Whipped and kept to hard Labour.

Search to be made, and by whom, for Venison, Hare Partridge, &c.

And in case any person or persons so produced and charged with the said Offence, shall not before the same Justice, give such Evidence of his Innocence as aforesaid, he shall be Convicted thereof in the same manner as the person or persons first charged therewith is hereby directed to be, and so from person to persons, till the first Offender shall be Discovered.

And be it further Enacted by the Authority aforesaid, That all Lords of Mannors or other Royalties, not under the Degree of an Esquire, may from henceforth by Writing under their Hands and Seals, Authorize one or more Game-keeper or Game-keepers within their respective Mannors or Royalties, who being thereunto so Authorized, may Take and Seize all such Guns, Hounds, Grey-Hounds, Beagles, Land-Spaniels or Setting-Dogs, as within the precincts of such respective Mannors or Royalties, shall be used by such person or persons, who by this Act are prohibited to keep or use the same. And moreover, that the said Game-keeper or Game-keepers, or any other person or persons being thereunto Authorized, by Warrant under the Hand and Seal of any Justice of the Peace of the same County, may in the Day time Search the Houses, Out-Houses, or other places of any such person or persons, by this Act prohibited to keep or use the same, as upon good Ground shall be suspected to have, or keep in his or their Custody, any Guns, Hounds, Grey-Hounds, Beagles, Land-Spaniels or Setting-Dogs; and the same, and every or any of them to Seize, Detain and Keep, to and for the use of the Lord of the Mannor or Royalty, where the same shall be so found or taken. And to the end all Keepers of Parks, and Game-keepers duly Authorized as aforesaid, may be Indemnified in the Execution of their Office.

Lords of Mannors, &c. not under the degree of an Esq; may Authorize a Game-keeper or Game-keepers.

Be it Enacted, That all Lords of Mannors or other Royalties, not under the Degree of an Esquire, or any person or persons so Authorized by them as aforesaid; shall and may within their respective Mannors or Royalties, Oppose and Resist such Offenders, in Killing or Destroying the Game contrary to this Act, in the Night-time, in the same manner, and be equally Indemnified for so doing, as if such Fact had been committed within any ancient Chase, Park or Warren whatsoever. And to the end that no persons Convicted of any of the Offences as aforesaid, may escape punishment, by their Flight or other Removal, after such Conviction.

All Keepers of Parks and Game keepers, duly qualified indemnified.

Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful for, and hereby Authority is given after such Conviction as aforesaid, to the Constable or other Officer or person or persons Prosecuting, to detain in Custody such Offender or Offenders (in case he or they shall not presently pay the Moneys due by such Conviction) during such reasonable time as a return may be conveniently had and made to the Warrant, for the Distress upon such Conviction, so as such Detainer do not exceed Two Days.

Not to be
Prosecuted
after punish-
ment.

Provided, That where any Offender shall be punished by Force of this Act, that he shall not be Prosecuted upon, nor incur the penalty of any other Law or Statute for the same Offence.

Provided also, and be it Enacted by the Authority aforesaid, That if any person or persons whatsoever, shall be Sued or Prosecuted for, or by reason of any Matter or Thing which he or they shall do in pursuance of this Act; it shall and may be Lawful to and for the person or persons so Sued or Prosecuted, to plead the General Issue, and give the special Matter in Evidence; and if the Verdict shall pass with the Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs become Non-suit, or suffer any discontinuance thereof; that in such case, such Defendant or Defendants shall have his or their treble costs which he or they shall have sustained, in such Action or Suit, for which the said Defendant or Defendants shall have the like Remedy as in other cases, where costs by the Laws of this Realm are given to the Defendants.

And whereas great Mischiefs do ensue by Inferior Trades-men, Apprentices and other dissolute persons, neglecting their Trades and Employments, who follow Hunting, Fishing and other Game, to the Ruin of themselves, and Damage of their Neighbours. For Remedy whereof,

No Appren-
tices, Trades-
men, &c. to
Fish, Fowl,
&c.

Be it Enacted by the Authority aforesaid, That if any such person as aforesaid, shall presume to Hunt, Hawk, Fowl or Fowl, unless in company with the Master of such Apprentice, duly Qualified by Law, such person or persons shall be liable to the same Penalties as the persons on whom such Game shall be found as aforesaid, are liable unto by Virtue of this Act; and shall or may also be Sued and Prosecuted for their Willful Trespas in such their coming on any persons Land: And if found Guilty thereof, the Plaintiff shall not only recover his Damages, but his full costs of Suit, any former Law to the contrary notwithstanding.

Provided always, That nothing herein contained shall restrain any person within any Mannor from keeping Hounds, Beagles, Grey-Hounds, Spaniels or Setting-Dogs within the same, to Hunt, Course, Set with, or otherwise use in such Mannor, only so as the same be allowed of and kept with the consent and free permission of the Lord of the Mannor for the time being, in which the same shall be so kept, appearing by License under the Hand and Seal of such Lord of the Mannor.

C H A P. IX.

An Act for Regulating the Fees of the Marshal of the Four Courts, and for Settling the Rates of Lodgings, and Redress of other Abuses in the said Marshalsey, and in the Marshalsey of the City of Dublin.

Preamble.

Whereas there hath been hitherto no certain or established Rule what Fees are due, and ought of right to be paid by Prisoners committed to the Marshalsey of the Four Courts to the said Marshal; by reason whereof, the Prisoners committed to the said Marshalsey, have been many times very much Oppressed, and compelled to pay such Fees as the Marshal hath thought fit to demand.

And whereas the Prisoners in the said Marshalsey have lain under great Hardships, by reason of the great Inconveniencies of their Lodgings, and the excessive Rates they have charged therewith for the same. For Remedy of all which,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same; That from and after the Twentieth Day of October, One thousand six hundred ninety eight, the Marshal of the Four Courts in Dublin, shall Take, Demand and Receive the several Fees following, and no more, (viz.)

The Mar-
shal's Fees of
the Four-
Courts.

That every Prisoner shall pay to the Marshal for the committal Fee, Six Shillings and Eight pence, and to the Turn-Key Six pence; for a Discharge or Dismission Fee to the Marshal, Six Shillings and Eight pence; upon every Habeas Corpus

Corpus directed to the Marshal, the person in Custody who obtained or procured the same, shall pay to the said Marshal Two Shillings and Six pence. That every Prisoner brought into Court by Habeas Corpus ad satisfaciendum, and thereupon committed to the Marshal in Execution, shall pay to the said Marshal the Fees following (viz.) Six pence in the pound where the Execution is, or shall be for any Sum of, or under One hundred pounds; and where the Execution is or shall be for more than One hundred pounds, then the said person or persons so committed in Execution, shall pay to the said Marshal for each pound, over and above the Sum of One hundred pounds, Three pence per pound, and no more.

Provided also, That no person or persons so committed in Execution, shall be charged with, or liable to pay any more of the said Poundage or Execution Fees, then for the Debt or Damages and Costs, as he, she, or they really owe; and which the Plaintiff or Plaintiffs (on such Execution) really and Bona fide do or shall receive.

None in Com-
mittal to pay
for more than
is really due.

Provided also, That if any person be, or shall be taken by the Sheriff of any County, and brought up in Custody and committed to the Marshal of the Four Courts in Execution; that the said Poundage or Execution Fees payable as aforesaid, shall be paid to the said Sheriff that Executed the Writ, and not to the Marshal.

Persons taken
by the She-
riff, Fees to
be paid to the
Sheriff.

And it is hereby also Enacted, That upon the Pleading of any Pardon at the Bar, for any person in the Marshals Custody; the said person for whom such Pardon is Pleaded, shall pay to the said Marshal for his Fee thereon, Seven Shillings and no more.

Fees for Plead-
ing any Par-
don when in
the Marshal's
Custody.

And be it further Enacted by the Authority aforesaid, That from and after the Twentieth Day of October, One thousand six hundred ninety eight, the following Rules shall be observed by the said Marshal of the Four Courts in the said Marshalsey: And that the said Marshal shall not charge any Prisoner committed to his Custody, with other or greater Rates for Lodging, then is hereafter by this Act limited and appointed (viz.) Every person being Prisoner in the said Marshalsey, shall have like free Liberty to bring in or cause to be brought in his own Bed, Meat and Drink, and Cloathing, at reasonable Hours, without being hindered by the Marshal, his Deputy, or any Employed under him: And that no Room in the said Marshalsey shall contain more then four Beds, and that there shall be a Chimney in every such Room: And that in every such Room that contains four or three Beds, each person that brings in his own Bed, shall pay for the standing of the said Bed fifteen pence per Week and no more; and if Two Prisoners agree to lye together and find their own Bed; then they shall pay Twelve pence each of them for the standing of the said Bed, and no more: And that no more then Two Persons shall lye in each Bed: And also, that the said Beds shall stand at least four foot asunder at the sides, but may join together at the Heads or Feet.

Every Priso-
ner his Bed,
Meat, &c.

Rates to the
Marshal for
Lodging, and
how many
shall be in a
Bed & Room.

And it is hereby further Enacted by the Authority aforesaid, That in case the Marshal shall provide and find the Prisoner or Prisoners a Bed or Beds with necessaries in such Rooms; then each Prisoner shall pay the said Marshal Two Shillings and Six pence per Week for the said Bed, such Prisoner having a Bed to himself; but in case Two Prisoners shall agree to lye together in one Bed, then they shall pay each of them Two Shillings per Week for the said Bed.

What when a
Bed for two.

And be it further Enacted, That every Prisoner lying in the Common-Hall, shall pay One penny per Night to the Marshal, and no more for his said Lodging.

What paid in
the Common-
Hall.

Provided also, That if any Prisoner shall desire to have a Chamber and Bed to himself, that then he shall or may agree with the said Marshal at such Rates as he can, for the said Lodging and Bed.

When a
Chamber and
Bed alone.

And be it further Enacted by the Authority aforesaid, That in case the said Marshal of the four Courts or his Deputy, or other person or persons employed under him, shall at any time after the Twentieth Day of October, One thousand six hundred ninety eight, Demand, Exact, Take or Receive from any person committed unto his Custody, any other or greater Fees, Reward or Gratuity, then are appointed and limited by this Act; or shall not duly observe such Rules for the ease and conveniency of his Prisoners, as are by this Act prescribed; or shall exact any other or greater Rates for the Lodging of Prisoners, then is by this Act allowed and appointed; that then the said Marshal for the time being, or his Deputy, which of them shall Offend herein, shall forfeit for the first Offence committed against this Act, the Sum of Twenty pounds, the one Half thereof to the King's Majesty, his Heirs and Successors, the other Half to the party aggrieved,

The Marshal-
ley's Forfei-
tures for
transgressing
this Act.

who may sue for and Recover the same, by any Action, Suit, Will or Plaint, in any of His Majesty's Courts of Record at Dublin; wherein no Essoyn, Protection or Wager of Law shall be allowed, nor any more than one Imparlance. And for the Second Offence, to forfeit the Sum of Forty pounds, to be Recovered by the party aggrieved, in manner as aforesaid, the one Moiety to the King's Majesty, His Heirs and Successors, the other Moiety to the said party. And for the Third Offence, the said Marshal shall forfeit his Office, and be from thenceforth Incapable of Holding or Exercising the said Office of Marshal of the Four Courts, or of being Deputy-Marshal of the same for ever after; any Patent, Charter, Usage or Custom, to the contrary notwithstanding.

The Marshal-
sey of the
Four Courts
to be by it
self.

And be it further Enacted by the Authority aforesaid, That for the future, the Marshalsey of the Four Courts, shall be kept separate and distinct (as formerly it hath been) in a House by it self, under the care of the Marshal of the Four Courts, appointed or to be appointed by His Majesty's Letters Patents, under the Broad Seal of this Kingdom, or the Chief Governor or Governors of this Kingdom for the time being.

The Marshal-
sey of the Ci-
ty to be kept
by it self.

And be it further Enacted by the Authority aforesaid, That the Marshalsey of the City of Dublin, shall be likewise kept separate and distinct in another House by it self, under the care of such person or persons as shall be duly Authorized and appointed to keep the same.

And for the better Regulating and Ascertaining the Fees of the Marshal of the City of Dublin, for the time being, and the Lodgings in the said Marshalsey of the said City.

Fees for the
City Marshal-
sey of the Ci-
ty of Dublin.

Be it further Enacted by the Authority aforesaid, That from and after the first Day of January, which will be in the Year of our Lord God, One thousand six hundred and ninety eight, the following Fees, and no other shall be taken by the Marshal of the City of Dublin, for the time being, (viz.) For every Prisoner committed to his Custody upon an Action out of the Tholsel Court, Two Shillings Six pence. For every Prisoner committed by the Lord Mayor for petty Debts, One Shilling. For every Writ of Venire facias, or Fieri facias, Issued out of the City Court to the said Marshal, One Shilling and Six pence. For all Executions out of the City Court, Directed to the said Marshal, Six pence in the pound, for every Sum of, or under One hundred pounds; and where the Execution is for more then One hundred pounds, then to Receive only Three pence per pound, for each pound over and above the Sum of One hundred pounds, and in such Manner, and under such Restrictions, as are appointed by this Act for the Marshal of the Four Courts.

The same Fees
to be taken
as in the Four-
Courts, &c.

And be it further Enacted by the Authority aforesaid, That the said Marshal of the City of Dublin, shall observe and keep the same Rules, and take the same Rates, and no greater or other Rates for the Lodging and Accommodation of Prisoners, in such sort, and in such manner, as is likewise appointed by this Act, for the Marshal of the Four Courts. And in case the Marshal of the City of Dublin, for the time being, his Deputy, or any other person or persons Employed under him, shall Take, Receive or Exact any other or greater Fees then as aforesaid, or any Gratuity or Reward from any person whatsoever, committed as a Prisoner to his Custody; or shall not observe and perform the same Rules and Rates in every respect as is appointed by this Act, to be observed by the Marshal of the Four Courts in Relation to the Accommodation and Lodgings of his Prisoners; that then the said Marshal of the City of Dublin, for the time being, or his Deputy, which of them shall Offend herein, shall forfeit for the first Offence, the Sum of Twenty pounds: And for the Second Offence, the Sum of Forty pounds, to be Recovered by the parties aggrieved, in such manner as the other Penalties in this Act mentioned are appointed. And for the Third Offence, the said Marshal shall forfeit his Office, and shall be from thenceforth Incapable of Holding or Exercising the said Office of Marshal, or being Deputy Marshal for ever after.

CHAP. X.

An Act for Traversing Inquisitions.

V Vhereas several Persons Holding, or that have Holden Lands, Tenements or Hereditaments in this Kingdom, some for Term of Years, and some by Copy of Court-Roll, have been Expulled and put out of their several Terms and

and Holdings, by reason of Inquisitions, or Offices found before Escheators, Commissioners or others upon Attainders of Treason, Felony or otherwise, because that such Leases for Term of Years, or Interest by Copy of Court-Roll, of such persons, have not been found in such Inquisitions or Offices, after which Expulsion or putting out the said persons, have hitherto been without Remedy, for obtaining of the said Terms and Holds, during the King's possession therein, and can have no Traverse monstrans de droit, or other Remedy for the same; their said Interest being but a Chattle in the Law or Customary, Hold or Farm, and no Estate of Free-hold.

And also, where any person or persons that hath any Rent, Common Office Fee, or other profit Apprendre of any Estate of Free-hold, or for Years or otherwise, out of any of the Lands, Tenements or Hereditaments, contained in such Offices or Inquisitions, where the King, His Heirs or Successors, is or shall be Intituled to such Lands, Tenements or Hereditaments, the said Rent, Common Office Fee, or profit Apprendre, not found in the same Office or Offices, such persons are in like manner without Remedy to obtain, or have the said Rent, Common Office Fee or profit Apprendre, by any Traverse, or other speedy mean or way, without great and excessive Charges, during the King's Interest therein, by Force of such Inquisition or Office. For Remedy whereof,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That where any such Office or Inquisition is or shall be found, omitting such Titles, Interest or Matters as aforesaid; that in all and every such Cases, every Lessee Tenant for Term of Years, or Copy-holder; and every such person or persons, who have or shall have any Interest to any Rent, Common Office Fee, or other profit Apprendre, for Term of Years, Life or otherwise, out of any of the Lands, Tenements or Hereditaments, contained in such Office or Inquisition, where the King, His Heirs or Successors, is or shall be Intituled as aforesaid, to any such Lands, Tenements or Hereditaments; shall Have, Hold, Enjoy and Perceive, all and every their Leases and Interests for Term of Years, or by Copy of Court-Roll, Rents, Common Office Fees, and profits Apprendre, in such Manner, Form, State and Condition, as they and every of them should or might have done, in Case there had been no such Office of Inquisition found; and as they should or lawfully might or ought to have done, in Case such Lease, Interest by Copy of Court-Roll, Rent, Common Office Fee, or profit Apprendre, had been found in such Office or Inquisition; any Law, Custom or Usage, to the contrary heretofore used in such Cases, in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That where it is, or shall be hereafter untruly found by Office or Inquisition, that any Person or Persons Attainted, or that shall be Attainted of Treason, Felony or Praemunire, is or shall be Seized of any Lands, Tenements or Hereditaments, at the time of such Treason, Felony or Offence committed or done, or any time after, whereunto any other Person or Persons hath or shall have any just Title or Interest of any Estate or Free-hold; that then and in such Case, every Person and Persons Grieved thereby, shall have his or their Traverse, or Monstrans de droit to the same, without being driven to any petition of Right, and like Remedy, and Restitution upon his or their Title, found or Judged for him or them therein, as hath been Accustomed and Used in the Cases of Traverse, although the King's Majesty, his Heirs or Successors, be, or shall be in such Case Intituled to any such Lands, Tenements or Hereditaments, by double matter of Record, any Law, Custom or Usage, to the contrary in any wise notwithstanding.

Provided always, and be it Enacted by the Authority aforesaid, That this Act or any thing therein contained, shall not in any wise Extend to any Inquisition or Office, taken or found, or which shall be taken or found before the Twentieth Day of September, in the Year of our Lord, One thousand six hundred and ninety eight: nor to hinder, prejudice or take away the Titles, Interest or Possession of our Sovereign Lord the King, or of any other Person or Persons grown or come by Vertue, Plea, or Occasion of any Inquisition or Office, taken or found before the same Day; but that as well our said Sovereign Lord the King, as all other Person or Persons, having any Title, Interest or Possession, by Vertue, Plea, or occasion of any Inquisition or Office, found before the Twentieth Day of September, One thousand six hundred ninety eight, shall and may Have, Hold and Enjoy the same,

in like Manner and Form, as though this Act had never been made, any thing in the same contained to the contrary in any wise notwithstanding.

Provided also, and be it Enacted by the Authority aforesaid, That in all such Cases where any Person or Persons shall be Enabled by this Act, to have any Traverse, and shall pursue his or their Traverse; that then he or they that shall pursue such Traverse, shall Sue on Writ, or several Writs of Scire Facias (as the Case shall require) against all and singular such Person or Persons, as shall have Interest by the King, or by His Patent or Patents, in like Manner and Form as is requisite upon Traverses, or Petitions heretofore pursued, and that in every such Scire Facias, the Patentees or other Defendants, shall have like Pleas and Advantage, as they had in any Scire Facias, before this time awarded against any Patentee in any Case of Petition: And also, that upon every Traverse that shall be pursued by Vertue or Mean of this Act, in such Case as the Party or Parties shall pursue any such Traverse, should by the Order of the Common Laws of this Realm, have been put to Sue by Petition to the King; there shall be two Writs of Search Granted in Manner and Form, as like Writs have been Granted upon petition made to the King.

Provided also, and it is further Enacted by the Authority aforesaid, That if after any Judgment shall be given upon any Traverse that shall be Tendered, or Sued by Vertue or Mean of this Act; it shall appear by any Matter of Record, That the King hath any other former Title, Right or Interest, to the Mannors, Lands, Tenements, or other Hereditaments, mentioned in the same Traverse, that the same Title, Right and Interest, shall be Saved to the King, the said Traverse and Judgment thereupon given in any wise notwithstanding.

C H A P. XI.

An Act against deceitful, disorderly and excessive Gaming.

Preamble.

VWhereas all Lawful Games and Exercises should not be otherwise Used, then as Innocent and Moderate Recreations; and not as constant Trades and Callings to gain a Living, and make Unlawful Advantages thereby.

And whereas by the Immoderate use of them, many Mischiefs and Inconveniencies do arise, and are daily found, to the Maintaining and Encouraging of sundry Idle, Loose and Disorderly Persons, in their Dishonest, Lewd and Dissolute Course of Life; and to the Circumventing, Deceiving, Couzening and Debauching of many of the Younger sort, both of the Nobility and Gentry, and others, to the Loss of their Time, and the utter Ruin of their Estates and Fortunes, and withdrawing them from Noble and Laudable Employments and Exercises.

To Forfeit
what is Won

Be it therefore Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That if any Person or Persons of any Degree or Quality whatsoever, at any time or times after the Twenty fifth Day of December, which shall be in the Year of our Lord God, One thousand six hundred ninety eight; do, or shall by any fraud, Shift, Couzenage, Circumvention, Deceit or unlawful Device, or ill practice whatsoever, in playing at, or with Cards, Dice, Tables, Tennis, Bowls, Rattles, Shovel-Board, or in, or by Cock-fighting, Horse-Races, Dog-Matches or Foot-Races, or other Pastimes, Game or Games whatsoever; or in, or by bearing a Share or part in the Stakes, Wagers or Adventures; or in, or by Betting on the Sides or Hands of such; as do, or shall Play at, Ride or Run as aforesaid; Win, Obtain or Acquire to him or themselves, or to any other or others, any Sum or Sums of Money, or other valuable thing or things whatsoever; that then every Person and Persons so Offending as aforesaid, shall Ipso facto, forfeit and Loose treble the Sum or Value of Money, or other thing or things so Won, Gained, Obtained or Acquired, the Due Proporty thereof to our Sovereign Lord the King, His Heirs and Successors, and the other Proporty thereof unto the Person or Persons Grieved, or who shall Loose the Money, or other thing or things so Gained, so as every such Loser and Person Grieved in that behalf, do, or shall Prosecute or Sue for the same, within Six Calendar Months next after such Plea; and in default of such Prosecution, the same other Proporty to such other Person or Persons as shall or will Prosecute or Sue for the same, within One Year next after the said Six Months are Expired; and that the said Forfeitures shall or may be Sued for, or Recovered

Recovered by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts at Dublin, wherein no Essoyn, Protection, or Wager of Law shall be allowed. And that all and every such Plaintiff or Plaintiffs, Informer or Informers, shall in every such Suit and Prosecution, Have and Recover his and their treble Costs, against the Person Offending and Forfeiting as aforesaid, any Law, Statute, Custom or Usage, to the contrary in any wise notwithstanding.

And for the better avoiding and preventing of all Excessive and Immoderate Playing and Gaming for the time to come,

Be it further Ordained and Enacted by the Authority aforesaid, That if any Person or Persons shall at any time or times after the said Twenty Fifth Day of December, One thousand six hundred ninety eight, play at any of the said Games, or any other Pastime, Game or Games whatsoever (other then with and for ready Money) or shall Bett on the Sides or Hands of such as do or shall play thereat, and shall Lose any Sum or Sums of Money, or other thing or things so played for at any time or times whatsoever, upon Ticket or Credit, or otherwise, and shall not pay down the same at the time when he or they shall Lose the same; the Party or Parties who Loseth or shall Lose the said Moneys, or other thing or things so played or to be played for, shall not in that Case be Bound or Compelled, or Compellable to pay or make good the same; but the Contract and Contracts for the same and for every part thereof, and all and singular Judgments, Statutes, Recognizances, Mortgages, Conveyances, Assurances, Bonds, Bills, Specialities, Promises, Covenants, Agreements and other Acts, Deeds and Securities whatsoever, which shall be Obtained, Made, Given, Acknowledged or Entered into, for Security or Satisfaction, of or for the same, or any part thereof, shall be utterly Void and of none Effect: And that the Person or Persons so Winning the said Moneys or other Things, shall Forfeit and Lose treble the Value of all such Sum and Sums of Moneys, or other thing and things which he shall so Win, Game, Obtain or Acquire upon Ticket or Credit as aforesaid, the one Part thereof to our Sovereign Lord the King, His Heirs and Successors, and the other Part thereof to such Person or Persons as shall Prosecute or Sue for the same, within One Year next after the time of such Offence committed; and to be Sued for by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record at Dublin, wherein no Essoyn, Protection or Wager of Law shall be allowed: And that every such Plaintiff and Plaintiffs, Informer or Informers, shall in every such Suit and Prosecution, Have and Receive his treble Costs against the Person and Persons Offending and Forfeiting as aforesaid; any Law, Custom or Usage to the contrary notwithstanding.

If upon Tick
or Credit
Forfeited.

C H A P. XII.

An Act for Planting and Preserving Timber-Trees and Woods.

FOrasmuch as by the Late Rebellion in this Kingdom, and the several Iron-Works formerly here, the Timber is utterly destroyed; so as that at present there is not sufficient for the Repairing the Houses Destroyed, much less a prospect of Building and Improving in after times, unless some means be used for the Planting and Increase of Timber-Trees.

Be it therefore Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That all and every Person and Persons being a Resident or Residents within this Kingdom, or who having any Estate of Freehold and Inheritance therein, Kept or Employed under his, her or their Stock, to the Value of Ten Pounds by the Year; and every Tenant for Years, who has Eleven Years of his or her Term unexpired, and who pays Ten pounds by the Year Rent, or more, shall from and after the Fifth and Twentieth Day of March, which will be in the Year of our Lord, One thousand seven hundred and three, Plant or cause to be Planted at seasonable times Yearly, and every Year during the Term of Thirty One Years, Ten Plants of Four Years Growth, or more, of Oak, Firr, Elm, Ash, Walnut, Poplar, Aescal or Elder, in some Ditch or elsewhere, on the said Lands; and the same so Planted shall from time to time preserve from Destruction. And all and every Person or Society having Iron Works, shall Plant or cause to be Planted in Ground sufficiently and well Inclosed for that purpose, Five Hundred Trees of the aforesaid sorts, or some

What any
one having
Ten pound
per Year shall
Plant.

of them Yearly, and every Year during the said Term, as he or they shall keep or have the said Iron Works.

If 500 Acres,
what they
shall plant.

And be it further Enacted, That every person and persons, Holding in his, her or their Occupation, five Hundred or more Acres of Land, Plantation Measure, other than Tenants in common, shall over and above the aforesaid Ten Trees within Seven Years, from the Twentieth Day of November, One thousand six hundred ninety eight, Inclose with a good and sufficient Fence of Stone Wall, Ditch, Hedge, Pales or Rails, one Plantation Acre thereof, and therein within the Term of Seven Years aforesaid, shall plant or cause to be planted, one Plant which shall be at the least of the height of One Foot above the Ground, when planted; and of the Age and Times before-mentioned, for every Ten Foot Square contained in such Acre, in such method as he, she or they shall think fit; and the said Acre so planted shall from time to time during the Term of Twenty Years, to be accounted from the time of planting the same, preserve and keep well and sufficiently Fenced and Inclosed from Cattle.

What Bodies
politick, Land
of inheri-
tance, &c. to
plant.

And be it further Enacted by the Authority aforesaid, That all and every person and persons, Bodies Politick or Corporate, who shall be Seized of any Lands of Inheritance, or by Dower, Courtise, or as Creditors, whether Portgacees or others, to whom an actual Possession shall be given by Vertue of Judgment or Decree of any of the Four-Courts; shall be, and is by Vertue of this Act obliged and liable to the planting of his, her or their proportion of Two Hundred and Sixty Thousand Six Hundred Trees of Oak, Elm, of Fir of the Age and Size aforesaid Yearly, and every Year during the Term of One and Thirty Years, to be accounted from the Twenty fifth of March, One thousand seven hundred and three, in such manner and proportion, as herein after is expressed.

Number of
Trees to be
planted.

And be it further Enacted, That the proportion of each County, County of a City, and County of a Town, of the said Two Hundred and Sixty Thousand Six Hundred Trees aforesaid, is and shall be as herein after is Declared.

1. Antrim County and Carrickfergus, Nine Thousand Seven Hundred and Fifty.
2. Ardmagh County, Four Thousand Seven Hundred and Fifty.
3. Catherlagh County, Three Thousand Two Hundred and Fifty.
4. Cavan County, Four Thousand Six Hundred.
5. Clare County, Seven Thousand Eight Hundred.
6. Cork County and City, Twenty Six Thousand Six Hundred.
7. Donegal County, Eight Thousand Three Hundred and Fifty.
8. Down County, Eight Thousand Four Hundred.
9. Dublin County (whereof the City and its Liberties, Twenty One Thousand Five Hundred) Thirty One Thousand Nine Hundred.
10. Fermanagh County, Four Thousand Five Hundred and Fifty.
11. Gallway County (whereof on Gallway Town and Liberties, One Thousand Three Hundred) Eleven Thousand Eight.
12. Kerry County, Four Thousand Six Hundred.
13. Kildare County, Seven Thousand One Hundred and Fifty.
14. Kilkenny County (whereof on Kilkenny City and Liberties, Seven Hundred) Nine Thousand.
15. King's County, Three Thousand Nine Hundred.
16. Leitrim County, Three Thousand Two Hundred and Fifty.
17. Limerick County (whereof on Limerick City and Liberties, One Thousand Three Hundred) Nine Thousand Six Hundred.
18. Londonderry County, City and Barony of Colerain, Six Thousand Five Hundred.
19. Lonford County, Two Thousand Six Hundred.
20. Lowth County (whereof Drogheda and Liberties, Six Hundred and Fifty) Five Thousand Two Hundred.
21. Mayo County, Six Thousand Five Hundred.
22. Meath County, Twelve Thousand Three Hundred and Fifty.
23. Monaghan County, Four Thousand Five Hundred.
24. Queen's County, Three Thousand Nine Hundred and Fifty.
25. Roscommon County, Six Thousand Five Hundred.
26. Sligo County, Five Thousand Two Hundred.
27. Tipperary and Holy-crofs, Eighteen Thousand Two Hundred.
28. Tyrone County, Six Thousand Five Hundred.

29. Waterford County (whereof on Waterford City and Liberties, One Thousand and Fifty) Six Thousand Five Hundred and Fifty.
30. Westmeath County, Six Thousand Six Hundred
31. Wexford County, Six Thousand Five Hundred.
32. Wicklow County, Three Thousand Two Hundred and Fifty.

And to the intent that the Number of Trees hereby appointed to be planted in each County, County of a City, and County of a Town throughout this Kingdom, may be equally and indifferently divided upon the several parts thereof.

Be it Enacted by the Authority aforesaid, That the Grand-Jury at the Summer- Assizes, which will be in the Year of our Lord, One thousand seven hundred and two; shall and may, and are by Force and Virtue of this Act, required to appor- tion the Number of Trees to be planted within such County, on each respective Barony therein: And after such apportionment made, shall Subdivide the propor- tion of each Barony into the several Parishes therein: Which Apportionment and Sub-division, shall be Signed by the said Grand-Jury, and Read in open Court, after the Presentments for the said County shall be Read. And if no cause appear to the said Grand-Jury, for altering any of the aforesaid Apportionments upon Reading the same, which the said Grand-Jury are hereby Impowered to do, if the same appear reasonable to them; then and from thenceforth the said Apportionment first made, or the same so amended, shall be, and is by virtue of this Act Decla- red to be conclusive. Which said Apportionment on each Barony and Parish, shall within One Month after the last Day of the Assizes aforesaid, be certified to the High-Constable of each Barony respectively within the said County, by the Clerk of the Crown for such County, under his Hand without Fee or Reward.

The Grand- Jury to ap- portion the Number of Trees.

And be it Enacted, That the respective High-Constables, within One Month af- ter their receiving such Apportionments, as is aforesaid, shall certify and deliver to the Ministers and Church-Wardens of each Parish, under his Hand without Fee or Reward, the Number of Trees presented by the said Grand-Jury, to be propor- tioned to be planted within such Parish: Which said Minister and Church-Wardens, within One Month after delivery of such Certificate to them, as is aforesaid, shall Summon a Vestry of the said Parish, where a Number of Trees which shall be the proportion of each person within the said Parish, or having or holding any Land therein, shall be agreed and adjusted.

The High- Constable to certify the Grand- Juries Pre- sentment.

Provided always, That no person or persons be charged or chargeable with the planting any Tree or Trees, by Virtue of this Act, otherwise than on Account, and with respect to what Land he, she or they Possess, Occupy or Enjoy; but that the said Lands shall and do remain chargeable therewith yearly, and every Year during the continuance of this present Act. And for the greater Encouragement of planting,

None charge- able with planting more than he possesses.

Be it Enacted by the Authority aforesaid, That all and every person and persons having Lands in Dower, Jointure or by Courtship, or who shall have an actual possession, as Mortgagees, or as Creditors by any other Ways or Means, who shall in Execution of this Act, plant any Number of Trees; such person and persons, their and every of their Executors and Administrators, shall and may Demand and Re- ceive from every person and persons to whom the Reversion, Remainder, and other Right and Title of such Lands, shall come after the Determination, or other Avoidance of the Interest of such person who planted the said Trees, the Sum of Two pence for each Tree planted by Force and Virtue of this Act; and which shall upon the Determination or Avoidance of his, her or their Interest, be found Growing on the said Lands, in good condition for Timber, not being Cut, Bro- ken or Thinned, but well fenc'd, and preserved according to the Intent and Mean- ing of this Act.

If more planted and the Land left, what to pay.

And be it further Enacted, That it shall and may be Lawful, to and for the Justices of the Peace herein after appointed, to Issue Warrants under their Hands and Seals, Directed to the High-Constable of the Barony, or Petty Constable of the Parish wherein such Person Resides, who ought to pay the said Two pence per Tree for keeping the same by Distress, if need be, and Sale of the Goods so Dis- trained, rending to the Owner of such Goods the Overplus, if any be, after the said Two pence per Tree shall be paid, and reasonable Charges for Distraining first deducted. Which said Warrant shall be Granted without Fee or Reward.

Justices of the Peace to grant War- rants for be- straining, &c.

Provided always, That no such Warrant shall be made, till first the person or persons claiming the said Two pence per Tree, shall by himself or some other cre- dible person, make Oath, That the same has been demanded from the person to

No Warrant to be granted till a demand made.

Whom the Possession and Right of the said Lands are come ; and shall likewise make appear by the Oath of Two or more credible Witnesses, the Number of Trees standing, growing and planted on the said Lands, by Vertue of this Act, with the condition they are in : Upon which proof so made, if the person from whom the said Two pence per Tree was demanded, or some one on his behalf do not appear, the said Justices shall proceed as to them shall seem just and equitable : And if the said person on whom the said demand is, or any person on his behalf shall appear before the said Justices ; then and in such case, the said Justices shall and may make and give such definitive Sentence and Judgment as the case requires, upon proof heard on both sides, and the same shall cause to be Executed by Warrant as aforesaid.

A Lessee for
20 Years un-
expired, what
he shall keep
in his Hands.

And be it further Enacted, That every Lessee for Years who shall not have a Term of at least Twenty Years unexpired at the time of his planting such Acre, as is herein and hereby express ; shall and may detain in his Hand yearly, and every Year during the continuance of his Term, the Sum of Ten Shillings towards the maintaining and supporting the fence of the said Acre, over and above the yearly Value of the said Acre of Land : Which said Ten Shillings yearly, and the yearly Value of the said Acre, shall be allowed as payment in his Rent for so much, and shall be Pleadable in all and every His Majesty's Courts of Law, and this Act and the special Matter given in Evidence.

And forasmuch as the good effects of planting intended by this Act, will in great measures be frustrated, unless due care be taken of all Trees planted pursuant therunto.

No Sheep or
other Cattle
suffered to
Graze near
the Enclo-
sure.

Be it further Enacted by the Authority aforesaid, That no Possessor, Tenant or Occupier of any Land Inclosed and Planted by Vertue of this Act, shall for the Term of Twenty Years, suffer Sheep or Cattle of any sort to Graze or Trespass the Land so Inclosed, under the penalty of Twenty Shillings for every such Grazing or Trespass, as is aforesaid, to be Levied as other Penalties are herein after directed ; the one Moiety thereof to the Use of the Informer, and the other Moiety to the Use of the Poor of the Parish wherein the said Offence shall be committed.

No Person to
Strip Bark.

And be it further Enacted by the Authority aforesaid, That no person whatsoever shall Strip Bark from any growing or standing Tree whatever, or shall Cut, Make or Sell any Bads made of Oak ; or shall cut or place at their Doors or elsewhere, any Green Trees, commonly called May-Bushes ; or shall keep any Coat or Coats other than in Mountains, under the penalty of Forfeiting the same, and likewise of paying the Sum of Twenty Shillings for every such Offence, to be Levied as herein is after directed ; the one Moiety thereof to the Informer, and the other Moiety to the Poor of the Parish where such person so Offending shall be apprehended.

And whereas the Bark of standing Trees has been heretofore usually stripped, for Tanning Hides of Stolen Cattle, in Bogs and other private places ; and for Dying Linnen Yarn, Thread and Skins, by persons in private Houses. For Remedy whereof for the future,

Be it Enacted by the Authority aforesaid, That from and after the Twentieth Day of November, One thousand six hundred ninety eight, no Broag-maker or other person whatsoever, other then publick and known Tanners, do Tan or keep in Lime or other Pits, in order to Tanning any Hide or Hides, Skin or Skins whatever ; and that no Spinner, Weaver, Skinner or other person whatsoever, not being a known Dyer, and Exercising the Trade of a Dyer, shall Colour or Dye any Linnen Yarn, Thread, Skins or Gloves, with the Bark of any Tree, or of such Colour as is usually Dyed with the Bark of any Tree growing in this Kingdom, under the pain of such Fine, not exceeding Forty Shillings for any one Offence, as the Justices herein after appointed shall impose.

Sawing or
Cutting
down any
Tree, what
punishment.

And whereas several Idle and Vagrant persons do usually Cut down or grub up Trees by the Roots, upon presumption that such Offence being no more then Trespass, they may escape punishment. For Remedy whereof,

Be it Enacted, That from and after the Twentieth Day of November, One thousand six hundred ninety eight, every person and persons, who between Sun-rising and Sun-setting, shall Saw or otherwise Cut down any Tree or Trees, not being thereunto Authorized by the person who has a Right to such Tree or Trees, shall for every such Offence, Forfeit to the Owner of such Tree or Trees, treble the Value of such Tree or Trees, the same to be ascertained by the Justices in their publick Sessions ; and shall pay as a Fine for every such Tree or Trees so Cut

Cut or grubbed up, such Sum not exceeding Forty Shillings, nor under Five Shillings, as to the said Justices shall seem reasonable. And in case the said person or persons shall refuse or not be able to Answer the Damages, and pay the fine Imposed by the said Justices; then and in such case, the said Justices in open Sessions, shall by Warrant under their Hands and Seals, commit such person or persons to the House of Correction, for any time not exceeding or under Three Months; there to remain at hard Labour, and having due Correction according to Law.

And where any person or persons shall after Sun setting, and before Sun-rising, Saw, Cut down or grub up any Tree or Trees, such person and persons shall by the next Justice of the Peace, be committed to the County Goal as a felon, and shall being thereof Convict, suffer all the pains and penalties of Felony.

None to grub up, Saw or Cut down, before Sun rising, or after Sun setting

And whereas divers persons do hire themselves to Work in Poblems, Gentlemens, or Pursermens Gardens, with design to Steal from thence Trees, Plants, Greens or Flower-Roots, or to give Notice to their Accomplices, how, and at what times they may Steal the same. For Remedy whereof,

Be it Enacted, That all and every person, who shall be taken with or found, Having or Selling any sort of Fruit Trees, Nursery-plants, Flower-trees, Green plant Flowers with their Roots, or their Roots alone, or any quantity of Fruit; such person not having a Nursery, Flower-Garden or Orchard, of his or her own, or who does not publickly follow the Trade of Buying and Selling Fruit; or who shall be taken with Bee-hives with Honey or Combs in them; or with fresh Honey in Combs, and not keeping Bess of his or her own, shall be obliged to prove how he or she came by the same; and upon failure of such proof, shall be deemed and taken to be Guilty of Stealing; and upon Tryal in Case of such failure, shall be Convict of such Offence, and suffer all the penalties which by Law ought to be Inflicted on such Offence. And to the intent, that this so necessary a Law may be put in due Execution,

Penalty for Stealing Flower-Roots, Fruit-Trees, Bee-hives, Honey, their punishment.

Be it Enacted by the Authority aforesaid, That the Justices of the Peace of that County, at their Sessions of the Peace, may and shall from time to time after the Twentieth Day of November, One thousand six hundred ninety eight, have full Power and Authority to Execute all and every part of this Act. And the said Justices as aforesaid, shall and may, and are hereby required after the Twentieth Fifth of March, One thousand seven hundred and three, at their respective Quarter-Sessions, to Hear and finally Determine all Controversies that shall or may arise between Party and Party, by reason of this Act, shall be Heard and finally Determined by the said Justices. And to the intent that every person and persons may be punished, who shall neglect or refuse to plant such Number of Trees, and the same to preserve pursuant to the Intent and Meaning of this Act, which he, she or they are obliged to.

The Justices of Peace after the 25th of March 1703, may Hear and finally Determine the Controversies in this Act at the Quarter Sessions.

Be it Enacted by the Authority aforesaid, That at every Michaelmas Sessions, to be Held as aforesaid, after the Twentieth Fifth Day of March, which will be in the Year of our Lord, One thousand seven hundred and three, all and every the High-Constables and Petty-Constables of each County within this Kingdom, pursuant to a precept to be Directed to the several High-Constables, by the Clerks of the Peace of the respective Counties within this Kingdom (which precept, the said Clerk of the Peace is hereby required to Issue at least Ten Days before such Sessions, under the penalty of Forty Shillings for every Default) shall give in a Return in Writing upon Oath, under the penalty of Forty Shillings, for each and every failure herein respectively) of the Names, with the places of Abode of every person within their respective Baronies or Constablewicks; who are hereby obliged to plant the Ten Trees, the five Hundred Trees, and the Acre aforesaid; together with the Names of the Lands, for or by reason whereof, every person is obliged to plant the proportion annexed to his or her Name; and likewise the proportion of the Two Hundred and Sixty Thousand Six Hundred Trees, to be yearly planted by each respective Inhabitant obliged to plant the same; together with his and their Name, and place of Abode, and that each Petty-Constable within his respective Parish, has given or caused to be given Notice to every such person as is aforesaid, of his, her or their being so returned to the said Sessions: And that whilst the Court is sitting, the Clerk of the Peace shall openly Read all the said Returns, so as that every person may know what Number of Trees, he, she or they are obliged to plant that Year. And likewise, That if any person or persons shall find him, her or themselves aggrieved, by being Returned for Lands

Warrants to be Issued to the High and Petty-Constables, by the Clerks of the Peace.

Anno Regni Decimo Gulielmi Tertii.

which are not Enjoyed, nor do any ways belong to him, her or them, such Relief therein may be ordered by the said Justices, as to them shall seem just and reasonable.

And be it further Enacted, That at every Easter Sessions, the Returns made and allowed the preceeding Michaelmas Session, shall again be openly Read and called over in Court; and that all and every person, who upon the Second Call of his or her Name, shall not by his or her Oath, or by Certificate of some One of the Justices of it, having appeared to him by the Oath of ^{that} ^{in the Parish of} ^{had that Year Planted or caused} to be Planted, ^{Trees,} pursuant to this Act (which said Certificate every Justice is required to give Gratis, upon the Oath of the party, or of One credible Witness) make appear, that he, she or they have Planted in that Year, the Number of Trees to which he, she or they were obliged by Vertue of this Act, shall be Deemed and Adjudged not to have Planted the same; and shall for each Ten Trees which such person or persons have so neglected to Plant, forfeit the Sum of Ten Shillings; for each Five Hundred Trees as is aforesaid, the Sum of Five pounds; and for each Acre not Inclosed and Planted, the Sum of Five pounds; the said respective Fines to be Imposed each Easter Sessions Yearly, and every Year until such person or persons having so made Default, shall make proof of his or her having Planted his or her proportion of Trees, and preserved the same pursuant to the true Intent and Meaning of this Act.

And be it further Enacted, That the Clerk of the Peace shall enter into a Book, to be prepared for that purpose, every Oath so made, and Certificate so produced; for which said Entry, the person making the said Oath, or producing the Certificate, shall pay Three pence and no more. And for the better Encouragement of all Persons, who by Vertue of this Act, are or may be obliged to Plant the said Ten Trees Yearly, so to fence and Preserve the same, as that the Publick may Reap the Benefit thereof, by the Increase and Growth of Timber within this Kingdom.

Be it Enacted by the Authority aforesaid, That every person Planting in any one Year any Number of Trees of the several kinds appointed by this Act, and procuring to be Registered a Certificate thereof as is aforesaid, shall be thereby Indemnified from the penalties of this Act, for so long time as such Number of Trees shall answer the Ten Trees to be Yearly Planted.

Provided, That none of the said Trees be Planted pursuant to any other Obligation or Clause in this Act.

Provided also, That every such person being a Tenant for Term of Years, do preserve the said Trees, till the expiration of his Lease.

And be it further Enacted, That no person or persons whatsoever be Assessed, Rated or Required to Plant any Number of Trees, otherways or on any other Account, then for or by reason of Land held by him, her or them; but that from and after such person and persons Term or Interest in such Land, by Vertue whereof, he, she or they become Obligated to Plant such Trees, shall cease and determine; such person and persons shall be, and are hereby Declared to be free and exempted from all Obligations of Planting, by reason of such Land, and his, her or their Interest therein; and from all the penalties of this Act by reason thereof.

Provided always, That such Land and the Occupiers, Possessors and Proprietors thereof, shall from time to time, and at all times, during the continuance of this present Act, be and remain liable to the planting the Number of Trees herein and hereby required to be planted after the same manner, as if such Occupiers, Possessors or Proprietors, had been first presented to have planted the same; any thing herein contained to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That all Penalties and Fines Incurred and to be Levied by Vertue of this Act, shall and may be Levied by Distress and Sale of Goods, if need be, or by Commitment of the person where no Distress can be found, by Warrant under the Hand and Seal, of Two or more of the said Justices as aforesaid: And that all Fines and Forfeitures so Levied, and not herein or hereby otherwise disposed of, shall be applyed to the Encouragement of the Linnen and Wempen Manufactures, and for defraying the necessary Charge of the several Sessions, the same to be disposed of to the uses aforesaid, according to the Directions and Orders of the said Justices as aforesaid, which shall be made by them in open Sessions. And to the end that all manner of persons may be thoroughly Informed of the Contents and Tenor of this Act.

All that were
to Plant re-
main liable.

To be Levied
by Distress
and Sale of
Goods.

Be it further Enacted, That all Justices of Goal-Delivery, shall at each re- To be read in
specifie Assizes, give the same in Charge, and shall cause the Clerk of the Crown open Court.
or his Deputy, after the Charge given, to Read this Act in open Court with an
audible Voice, Silence being first commanded.

C H A P. XIII.

An Act to prevent Papists being Solicitors

Whereas by a Statute made in England, in the Seventh Year of His pre-
sent Majesty's Reign, Intituled, An Act for requiring the Practicers of the
Law to take the Oaths, and Subscribe the Declaration therein mentioned: The
common Solicitors in that Kingdom, are obliged to take the Oaths and Subscribe
the Declaration as aforesaid. Which said Act hath been found to be a general Good
to his Majesty's Subjects in England.

And whereas by Experience in this Kingdom, it hath been always found, that
Papists Solicitors have been, and still are the common Disturbers of the Peace and
Tranquility of His Majesty's Subjects in General.

And whereas at this time, there are great Number of Papist Solicitors and
Agents, Practising within the several Courts of Law and Equity in this King-
dom; by whose Numbers and the daily Increase of them, great Mischiefs and
Inconveniencies are likely to ensue, to the prejudice and disquiet of His Majesties
Subjects.

For Remedy whereof, Be it Enacted by the King's Most Excellent Majesty, by None to
and with the Advice and Consent of the Lords Spiritual and Temporal, and Com- Practice that
mons in this present Parliament Assembled, and by Authority of the same, That do not
from and after the First Day of March, in this present Year of our Lord, One take the
thousand six hundred ninety eight, no person or persons shall Practice or Act as Oaths.
Solicitor in any Court of Law or Equity, or as Agent or Manager in any Cause
or Suit in Law or Equity, or as Senechal or Solicitor, in all or any the Courts
or Offices in this Kingdom, not having first taken the Oaths and Subscribed the
Declaration following.

I A. B. do sincerely Promise and Swear. That I will be Faithful, and bear true
Allegence to His Majesty King *WILLIAM*.

So help me God.

I A. B. do Swear, That I do from my Heart Abhor, Detest and Abjure, as Im-
pious and Heretical, that Damnable Doctrine and Position that Princes Excom-
municated or Deprived by the Pope, or any Authority of the See of *Rome*, may be
Deposed or Murdered by their Subjects, or any Other whatsoever. And I do De-
clare, That no Foreign Prince, Person, Prelate, State or Potentate, hath or ought
to have any Jurisdiction, Power, Superiority, Preheminence or Authority, Ecclesi-
astical or Spiritual within this Realm.

So help me God.

I A. B. do Solemnly and Sincerely in the presence of God, Profess, Testifie and
Declare, That I do Believe, That in the Sacrament of the Lord's-Supper, there is
not any Transubstantiation of the Elements of Bread and Wine into the Body and
Blood of Christ, at, or after the Consecration thereof by any Person whatsoever:
And that the Invocation and Adoration of the Virgin *Mary*, or any other Saint;
and the Sacrifice of the Mass, as they are now Used in the Church of *Rome*, are
Superstitious and Idolatrous. And I do solemnly in the Presence of God, Profess,
Testifie and Declare, That I do make this Declaration, and every part thereof, in
the Plain and Ordinary Sense of the words Read unto me, as they are commonly
understood by Protestants, without any Evasion, Equivocation or Mental Reservati-
on whatsoever, and without any Dispensation already Granted me for this purpose
by the Pope, or any other Authority or Person whatsoever, or without Dispensation
from any Person or Authority whatsoever; or without believing, that I am or can
be acquitted before God or Man, or Absolved of this Declaration, or any part there-
of, although the Pope, or any other Person or Persons or Power whatsoever should
Dispence with, or Annul the same, or Declare, That it was Null and Void from the
beginning.

An hundred
Pounds for-
feiture.

And that any person who shall practice as aforesaid, before he shall have taken the said Oaths, and Subscribed the said Declaration, contrary to the purport and meaning of this Act, shall for every such Offence, forfeit the Sum of One Hundred pounds, to be recovered by such person or persons as will sue for the same, in any of His Majesty's Courts of Record, by Writ, Bill, Plaint or Information; in which no Essoyn, Privilege, Protection or Wager of Law shall be allowed: And every person lawfully Convicted of such Offence by such Suit, shall from thenceforth be incapable to be Executors or Administrators; or to take any benefit by any Legacy, Gift, Grant of any Lands, Tenements, Hereditaments, Goods or Chattels whatsoever.

None to Act
but such as
take the
Oaths, &c.

And be it further Enacted by the Authority aforesaid, That no person or persons shall from and after the first Day of March, One thousand six hundred ninety eight, Act as Solicitor Agent or Mannager in any Cause or Suit that is or shall be depending in the four Courts of Dublin, or in any other Courts of Record, or as Seneschal or Solicitor in the said Courts, or in any other of the Courts or Offices in this Kingdom; but such person or persons only, who shall first take the said Oaths and Subscribe the said Declaration, and shall also Educate all his Children in the Protestant Religion.

No prohibi-
tion, Plaintiff,
Defendant or
Mental Ser-
vant acting
for his Master.

Provided always, That nothing in this Act contained, shall be taken to extend to prohibit any person or persons, Plaintiff or Defendants, in his or their own Suit or Suits only, or to any Penial Servant Acting as such for his Master, in his Suit or Suits only, in any of His Majesty's Courts of this Kingdom, and for no other Person whatsoever.

None prohibi-
tuted that
practised in
King Charles
the's time.

Provided always, That nothing in this Act contained, shall be taken to extend to hinder any person or persons that was or were known as professed common Solicitor, Mannager or Agent, in any Cause or Causes, Suit or Suits in any of the Courts of this Kingdom, in the Reign of the late King Charles the Second; and that hath or have been, or shall be Adjudged to be comprehended within the Articles of Limerick, made upon the Surrender thereof to His Majesty's Obedience, any thing in this Act contained to the contrary hereof, in any wise notwithstanding.

C H A P. XIV.

An Act for Determining Differences by Arbitration.

Whereas it hath been found by Experience, That References made by Rule of Court, hath Contributed much to the ease of the Subject, in Determining of Controversies, because the Parties become thereby Obligated to perform the Award of Arbitrators chosen by themselves, under the penalty of Imprisonment for their Contempt, in Case they refuse to perform the same.

Now for promoting Trade, and rendering the Awards of Arbitrators the more effectual in all Cases, for the final Determination of Controversies Referred to them by Merchants and Traders or others, containing Matters of Account of Trade, or other Matters.

The method
of Arbitra-
tions

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the first Day of March, which shall be in the Year of our Lord, One thousand six hundred ninety eight, it may be lawful for all Merchants, Traders and others desiring to end by Arbitration, any Controversie, Suit or Quarrel; Controversies, Suits or Quarrels; for which there is no other Remedy but by personal Action or Suit in Equity to Agree, that their Submission of the Matter to the Award or Umpirage of any person or persons, should be made a Rule of any of His Majesty's Courts of Record, which the parties shall choose, and to Insert such their Agreement in their Submission, or the Condition of the Bond or Promise, whereby they oblige themselves respectively, to Submit to the Award or Umpirage of any person or persons: Which Agreement being so made, and Inserted in their Submission or Promise, or Condition of their respective Bonds, shall or may upon producing an Affidavit thereof made by the Witnesses thereunto, or any one of them, in the Court of which the same is Agreed to be made a Rule, and Reading and Filing the said Affidavit in Court, be Entred of Record in such Court, and a Rule shall be thereupon made by the said Court, that the parties shall submit to, and finally be concluded by the Arbitration or Umpirage, which shall be made by the Arbitrators or Umpire

Umpire, pursuant to such submission; and in Case of Disobedience to such Arbitration or Umpirage, the party neglecting or refusing to perform or Execute the same or any part thereof, shall be Subject to all the penalties by the Course and Practice of such Court, usually inflicted on such as Contemn a Rule of the said Court, made in a Cause depending therein; and the Court on Motion shall Issue Process accordingly; which Process shall not be stopt or delayed in its Execution, by any Order, Rule, Command or Process of any other Court, either of Law or Equity, unless it shall be made appear on Oath to such Court, that the Arbitrators or Umpire mis-behaved themselves, and that such Award, Arbitration or Umpirage, was procured by corruption or other undue means.

And be it further Enacted by the Authority aforesaid, That any Arbitration or Umpirage procured by corruption or undue means, shall be Judged and Esteemed Void and of none Effect, and accordingly be set aside by any Court of Law or Equity; so as complaint of such Corruption or undue Practice be made in the Court, where the Rule is made for submission to such Arbitration or Umpirage before the last Day of the next Term after such Arbitration or Umpirage made and published to the parties; any thing herein contained to the contrary notwithstanding.

C H A P. XV.

An Act for the better Management and Disposal of the Lands set apart for the Support of the Fort of *Duncannon*.

Whereas in and by one Act Intituled, An Act for the better Execution of His Majesty's Gracious Declaration, for the Settlement of His Majesty's Kingdom of *Ireland*, and satisfaction of the several Interests of Adventurers, Soldiers, and other His Subjects there. It is among other things Enacted and Provided to the Effect following.

That the Commissioners for Execution of the said Act, should set out or cause to be set out so much of the Forfeited Lands as do amount unto the clear Yearly Value of Three Hundred pounds per Annum, and are nearest adjacent, and lye most contiguous unto the Fort of *Duncannon*; which Lands so as aforesaid, to be set out, shall be reserved unto His Majesty, His Heirs and Successors, to the intent that the Rents, Issues and Profits thereof, may for ever be Implored for, and towards the better Support and Maintenance of the Fort aforesaid; and all and every the Adventurers and Soldiers, and other Repizable persons, to whom any of the said Lands so as aforesaid to be set out, have been heretofore Allotted or Disposed, shall be forthwith Repized out of some other Forfeited Lands of an Estate of equal Value, Worth and Purchase; any thing in the said Act contained to the contrary notwithstanding.

And whereas in Pursuance and Execution of the said Clause in the said Act; the said Commissioners have set out the several Forfeited Lands hereafter mentioned: That is to say, the Lands of Knockroe, and Passage, containing One Hundred Fifty Aine Acres, Crooke, Two Hundred Seventy five Acres, New-town, containing Two Hundred Sixty Six Acres, Knocknegaple, containing Eighty Two Acres, Rahin, containing Ninety four Acres; and in Fatlegg, which were Retrenched by Captain Bolton, Two Hundred Seventy Two Acres, in the Barony of Gualtire, in the County of Waterford, or County of the City of Waterford, and reserved the same unto His Late Majesty King Charles the Second, for the fulfilling and answering the intents and purposes aforesaid. And His said Late Majesty hath by Letters Patents, bearing Date the One and Twentieth Day of May, in the One and Twentieth Year of His said Late Majesty's Reign, Granted the same unto Richard Earl of Arran, Marcus Lord Viscount Dungannon, Sir John Temple, Knight, then Master of the Rolls of this Kingdom, Sir Robert Byrone, and Sir Theophilus Jones, and the Heirs of the Survivor of them in Trust, for, and to answer the Uses, Intents and Purposes aforesaid; and not any way for the Use, Benefit or behoof of the said Patentees, or any of them, or any of their Heirs.

And whereas the Right Honourable Richard late Earl of Arran, one of the said Patentees, Survived all and every the said other Patentees, and became Seized of all and every the said Lands by Survivorship, to the Uses, Intents and Purposes aforesaid; and the same after the Decease of the said Earl, are Descended upon the Honourable the Lady Charlotte Butler, only Daughter and Heiress of the said

Carl, through whose Pinority and usual Residence and Abode in England, the said Trusts and Purposes, cannot be Performed, Executed or Discharged, as the publick Service requires; and thereby the said Fort cannot be so Supported and Repaired, nor the said Estate managed to the best advantage; to answer the Ends aforesaid.

Be it therefore Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by Authority of the same, That the said Lands, and all the Estate, Right, Title and Interest, in and to the said Towns and Lands above-mentioned, which came and Descended to the said Lady Charlotte Butler, Daughter and Heiress to the said Richard Earl of Arran, shall be, and hereby is and are Vested and Adjudged to be Vested in Philip Savage Esquire, Thomas Brodrick Esquire, Colonel William Ponsonby, Sir John Mason and Allan Brodrick Esquire, their Heirs and Assigns, in the same manner to all intents, as the same before passing this Act were, in the said Lady Charlotte Butler; and that the said Philip Savage, Thomas Brodrick, William Ponsonby, Sir John Mason, and Allan Brodrick, their Heirs and Assigns, shall Stand and be Seized thereof to the same Trusts, Intents and Purposes, as the said Charlotte Butler stood Seized thereof, by, from and after the Decease of her said Father, and to no other Use, Trust or Purpose whatsoever.

Saving to all Persons whatsoever; and to all Bodies Politick and Corporate, all such Possession, Estate, Right, Title, Claim, Demand, Entry, Action or cause of Action whatsoever, in Law or Equity, as the said persons had or might have had, if this present Act had not been made.

C H A P. XVI.

An Act for Explaining some Doubts that may arise on the Exposition of an Act passed this Session of Parliament, Intituled, *An Act for Confirming Estates and Possessions Held and Enjoyed under the Acts of Settlement and Explanation*. And also, for Amending some Words in an Act passed the last Session of this present Parliament, Intituled, *An Act to hinder the Reversal of several Outlawries and Attainders; and to prevent the Return of Subjects of this Kingdom, who have gone into the Dominions of the French King in Europe*.

VWhereas by an Act of Parliament lately Enacted in this Kingdom, Intituled, *An Act for Confirming Estates and Possessions Held and Enjoyed under the Acts of Settlement and Explanation*; a Doubt hath arisen, Whether the Estate, Right, Title, Chiefry or Interest whatsoever, of any Archbishop, Bishop, Dean, Dean and Chapter, Prebendary, Colledge, Parson, Vicar or other Spiritual Person, is, or may be Barred or Prejudiced by the said Act. For clearing of which Doubt,

Be it Enacted and Declared by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That nothing in the said Act shall be taken, construed or intended to Bar the Right, Title or Interest of any Archbishop, Bishop, Dean, Dean and Chapter, Colledge, Prebendary, or other Ecclesiastical Dignitary, Parson, Vicar, or other Incumbent, or any of their Successors, to any Lands, Tenements, Chiefries, Priviledges, Royalties, or Hereditaments whatsoever, they or any of them were Intituled unto, at the time of passing of the said Act; but that they and every of them, and their respective Successors, shall have such Right and Title, as they or any of them had, at or before the making the said Act, and may be at liberty to Prosecute any Action, Commence any Suit, Distrain or Pursue such Methods for Recovery of such their Right and Title, to any Lands, Tenements, Chiefries, Rent-Charges, Royalties or Priviledges, as they or any of them might have done, at or upon the first Day of October, One thousand six hundred ninety eight, any thing in the said Recited Statute to the contrary notwithstanding.

And whereas in one Act passed in this Parliament, Intituled, *An Act to hinder the Reversal of several Outlawries and Attainders, and to prevent the Return of Subjects of this Kingdom, who have gone into the Dominions of the French King in Europe*; there is contained one Clause in the Words following;

And be it further Declared and Enacted by the Authority aforesaid, That all and every the Estates, Rights, Titles and Interests, either in Law or Equity, in or to any

any Lands, Tenements or Hereditaments, of any Person or Persons being of the Protestant Religion, or professing to be of the Protestant Religion, on or before the Twenty Seventh Day of July, One thousand six hundred ninety seven, and hath continued so from that time hitherto, or till the time of his or their Death, shall be and remain of such Force and Effect in Law or Equity respectively, and no other, then if this Act had not been made, any thing in this Act contained to the contrary notwithstanding.

In which Clause, the Words following ; that is to say (the Twenty Seventh Day of July, One thousand six hundred ninety seven) were by Mistake Inserted instead of the Words following ; that is to say (the Twenty Seventh Day of July, One thousand six hundred eighty nine) which Mistake, will in great Measure frustrate and Elude the Intention of that Clause in the said Act.

Be it therefore Declared and Enacted by the Authority aforesaid, That the said Clause in the said former Act, shall alway hereafter be Construed and Understood in the same manner as if the said Words in the said former Act, had been the Twenty Seventh Day of July, One thousand six hundred eighty nine, instead of the Twenty Seventh Day of July, One thousand six hundred ninety seven : And that the said Clause in the said former Act, shall not Extend, or be Construed to Extend, to Save or Confirm any Estate, Right, Title or Interest, either in Law or Equity, of any Person or Persons of the Protestant Religion, or that professed themselves to be of the Protestant Religion, in, or to any Lands, Tenements or Hereditaments, that did not profess themselves to be of the Protestant Religion, on or before the Twenty Seventh Day of July, One thousand six hundred eighty nine ; and have also continued so from that time hitherto, or till the time of his or their Death.

F I N I S.

Anna Maria Beckwith

My father, Thomas Beckwith, was born in the year 1780, and died in the year 1850. He was a farmer and a merchant. He was married to Mary Beckwith, who was born in the year 1785 and died in the year 1860. They had four children: Anna Maria Beckwith, who was born in the year 1800 and died in the year 1880; Thomas Beckwith, who was born in the year 1805 and died in the year 1870; Mary Beckwith, who was born in the year 1810 and died in the year 1890; and John Beckwith, who was born in the year 1815 and died in the year 1895. Anna Maria Beckwith was married to John Beckwith, who was born in the year 1800 and died in the year 1880. They had three children: Mary Beckwith, who was born in the year 1820 and died in the year 1890; John Beckwith, who was born in the year 1825 and died in the year 1895; and Thomas Beckwith, who was born in the year 1830 and died in the year 1900. Anna Maria Beckwith was a very kind and generous person. She was always ready to help those in need. She was also a very good mother and a very good wife. She lived a long and happy life.
